

SENATE COMMERCE AND HUMAN RESOURCES COMMITTEE

ADMINISTRATIVE RULES REVIEW

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Senate Commerce and Human Resources Committee

IDAPA 01 - IDAHO BOARD OF ACCOUNTANCY

01.01.01 - IDAHO ACCOUNTANCY RULES

DOCKET NO. 01-0101-0401

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final approval. The pending rule becomes final and effective March 1, 2005, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-204(1), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the January 7, 2004 Idaho Administrative Bulletin, Vol. 04-1, pages 16 and 17.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Barbara R. Porter, Executive Director, at 208-334-2490.

DATED this 28th day of September, 2004.

The Following Notice Was Published With The Temporary And Proposed Rule

EFFECTIVE DATE: The effective date of the temporary rule is January 1, 2004.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 54-204(1), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than January 21, 2004.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and

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IDAHO BOARD OF ACCOUNTANCY Idaho Accountancy Rules

**Docket No. 01-0101-0401
PENDING RULE**

purpose of the proposed rulemaking:

Updates Rule 004 Incorporation by Reference to refer to 2004 AICPA Professional Standards and to include standards issued by the Public Company Accountability Oversight Board (PCAOB) created by the Sarbanes-Oxley Act of 2002.

Idaho Accountancy Rules comply with Idaho State Law by using the effective date when incorporating standards by rule. Idaho's rules incorporate AICPA and PCAOB Standards as requirements our licensees must meet when applicable.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The AICPA Standards are updated throughout the year on an as-needed basis. They are not updated on a date-specific basis. Therefore, Idaho Accountancy Rules must be updated on an annual basis, as of January 1st, to cover any and all changes that may occur throughout the calendar year.

The Public Company Accountability Oversight Board (PCAOB) was newly formed by the federal Sarbanes-Oxley Act of 2002. The PCAOB is issuing standards for auditors of publicly traded companies. Idaho licensees must follow these standards. The temporary rule is necessary to protect the public's welfare.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was conducted. The Board of Accountancy notified stakeholders by newsletters on the issues.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Barbara R. Porter, Executive Director, at 208-334-2490.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before January 28, 2004.

DATED this 13th day of November, 2003.

Barbara R. Porter
Executive Director
Idaho State Board of Accountancy
1109 Main Street
Owyhee Plaza Suite 470
PO Box 83720
Boise, Idaho 83720-0002
Phone: 208-334-2490
Fax: 208-334-2615

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IDAHO BOARD OF ACCOUNTANCY
Idaho Accountancy Rules

Docket No. 01-0101-0401
PENDING RULE

E-mail: bporter@boa.state.id.us

THE FOLLOWING IS THE TEXT THE PENDING RULE

004. INCORPORATION BY REFERENCE. (Rule 004).

The following documents are hereby incorporated by reference into IDAPA 01.01.01 and can be obtained at the Board office. Licensees are required to comply with the following standards when applicable. ~~(4-2-03)~~(1-1-04)T

01. AICPA Standards. 2002~~4~~ AICPA Professional Standards, except as superceded by Section 54-206(8), Idaho Code. ~~(4-2-03)~~(1-1-04)T

02. CPE Standards. 2002 Statements on Standards for Continuing Professional Education Programs jointly approved by NASBA and AICPA. (4-2-03)

03. PCAOB Standards. 2004 Standards issued by the Public Company Accountability Oversight Board. ~~(1-1-04)~~T

Senate Commerce and Human Resources Committee

IDAPA 01 - IDAHO BOARD OF ACCOUNTANCY

01.01.01 - IDAHO ACCOUNTANCY RULES

DOCKET NO. 01-0101-0402

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 54-204(1), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

There are no changes to the pending rule. The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 6, 2004 Idaho Administrative Bulletin, Volume 04-10, pages 20 through 23.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Barbara R. Porter, Executive Director, at 208-334-2490.

DATED this 4th day of November, 2004.

The Following Notice Was Published With The Proposed Rule

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-204(1), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 20, 2004.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and

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IDAHO BOARD OF ACCOUNTANCY
Idaho Accountancy Rules

Docket No. 01-0101-0402
PENDING RULE

purpose of the proposed rulemaking:

1) Change references from “AICPA-SECPS” to “AICPA Center for Public Company Audit Firms”. The AICPA disbanded their SEC Practice Section and replaced it with the Center for Public Company Audit Firms (CPCAF) in response to Sarbanes-Oxley federal mandates. Our rules refer to the “non-existent” division. They need reflect the new entity.

2) Update the standards being incorporated by reference. Idaho Code requires agencies to cite the specific year when we incorporate standards by reference. We incorporate CPE, AICPA and PCAOB standards. The CPE Standards are still accurate, but the AICPA and PCAOB Standards need to be updated from 2004 to 2005.

3) Insert the phrase “that are subject to peer review” when referring to firm registration, to avoid being forced to collect fees from public accounting firms that should not pay them. List all documents required to be submitted with firm registration.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the changes were discussed in public meetings and newsletters, without any objections from the public.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Barbara R. Porter, Executive Director, at 208-334-2490.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2004.

DATED this 22nd Day of September, 2004.

Barbara R. Porter, Executive Director
Idaho State Board of Accountancy
1109 Main Street, Owyhee Plaza Suite 470
PO Box 83720
Boise, Idaho 83720-0002
Phone: 208-334-2490
Fax: 208-334-2615
E-mail: bporter@boa.state.id.us

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

004. INCORPORATION BY REFERENCE. (RULE 004).

The following documents are hereby incorporated by reference into IDAPA 01.01.01 and can be

Senate Commerce and Human Resources Committee

IDAHO BOARD OF ACCOUNTANCY Idaho Accountancy Rules

Docket No. 01-0101-0402
PENDING RULE

obtained at the Board office. Licensees are required to comply with the following standards when applicable. (1-1-04)T

01. AICPA Standards. 2004~~5~~ AICPA Professional Standards, except as superceded by Section 54-206(8), Idaho Code. (~~1-1-04~~)T(____)

02. CPE Standards. 2002 Statements on Standards for Continuing Professional Education Programs jointly approved by NASBA and AICPA. (4-2-03)

03. PCAOB Standards. 2004~~5~~ Standards issued by the Public Company Accountability Oversight Board. (~~1-1-04~~)T(____)

(BREAK IN CONTINUITY OF SECTIONS)

010. DEFINITIONS (RULE 010).

The Idaho State Board of Accountancy adopts the definitions set forth in Section 54-206, Idaho Code. In addition, as used in this chapter: (4-2-03)

01. Administering Organization. An entity that has met, and at all relevant times continues to meet, the standards specified by the Board for administering peer reviews. (4-2-03)

02. Board. The Board or its designated representative. (4-2-03)

03. Candidate. Applicants approved to sit for the CPA Examination. (4-2-03)

04. CPA Examination. Uniform Certified Public Accountant Examination. (4-2-03)

05. CPCAFA. Center for Public Company Audit Firms of the AICPA. (____)

056. CPE. Continuing Professional Education. (4-2-03)

067. Examination Window. The three-month period in which candidates have an opportunity to take the CPA Examination. (3-16-04)

078. Monitoring Organization. An independent body that oversees the self-regulatory programs of the ~~SECPS~~ CPCAFA. (~~4-2-03~~)(____)

089. NASBA. The National Association of State Boards of Accountancy. (3-16-04)

0910. National Candidate Database. The National Association of State Boards of Accountancy database of all CPA Examination candidates on a nationwide basis. (3-16-04)

101. Oversight Committee. The Peer Review Oversight Committee. (4-2-03)

142. Peer Review. The study, appraisal or review, by a licensee who is not affiliated

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PENDING RULE

with the licensee or firm being reviewed, of one (1) or more aspects of the professional work of a licensee or firm that issues attest or compilation reports. (4-2-03)

123. Reporting Form. CPE reporting form. (4-2-03)

~~**13. SECPS.** *Securities and Exchange Commission Practice Section of the AICPA.*~~
(4-2-03)

14. Test Delivery Service Provider. Prometric is the contract vendor that delivers the computer-based CPA Examination. (3-16-04)

15. Verification Of Employment And Experience Evaluation Form. Work experience verification form. (4-2-03)

16. Year Of Review. The calendar year during which a peer review is conducted. (4-2-03)

17. Year Under Review. The twelve-month (12) period that is reviewed by the reviewers. (4-2-03)

(BREAK IN CONTINUITY OF SECTIONS)

606. REPORTING TO THE BOARD (RULE 606).

01. Firm Registration Form. All firms, whether or not they perform any of the services set out in Rule 602, shall annually file a firm registration report no later than September 30. The registration shall be on such form as prescribed by the Board. Firm registrations filed after September 30 are subject to penalty for non-compliance pursuant to Rule 703. (4-2-03)

02. Peer Review ~~Acceptance Letter~~ Documentation. A firm which has undergone peer review will file a copy of the peer review report, letter of comments if any, letter of response if any, and letter accepting the review report ~~from~~ issued by the administering organization. The letter will be filed within thirty (30) days after receipt. The Board reserves the right to obtain all other information relating to the peer review. (4-2-03)(____)

607. ADMINISTERING ORGANIZATIONS (RULE 607).

This section shall not require any licensee of a firm to become a member of any administering organization. Qualified administering organizations which register with, and are approved by the Board based on their adherence to the AICPA Peer Review minimum standards, shall include the: (4-2-03)

01. Monitoring Organizations. AICPA practice monitoring organizations such as the ~~SEC Practice Section (SECPS)~~ Center for Public Company Audit Firms (CPCAF). (4-2-03)(____)

02. Peer Review Program. Peer review program of the American Institute of

Senate Commerce and Human Resources Committee

IDAHO BOARD OF ACCOUNTANCY Idaho Accountancy Rules

**Docket No. 01-0101-0402
PENDING RULE**

Certified Public Accountants (AICPA). (4-2-03)

03. State CPA Societies. State CPA societies fully involved in the administration of the AICPA Peer Review Program and their successor organizations which meet the minimum standards. (4-2-03)

04. National Society Of Accountants (NSA). Peer Review Program of NSA which adheres to the AICPA Peer Review minimum standards. (4-2-03)

(BREAK IN CONTINUITY OF SECTIONS)

611. OVERSIGHT COMMITTEE DUTIES FOR NON-~~SECPS~~ CPCAF ADMINISTERING ORGANIZATIONS (RULE 611).

The oversight procedures to be performed by the committee in monitoring non-~~SECPS~~ CPCAF administering organizations may consist of the following: (4-2-03)()

01. Visit The Administering Organization Annually. During such visit, Oversight Committee may: (4-2-03)

a. Meet with the organization's peer review committee during the committee's consideration of peer review documents. (4-2-03)

b. Review the organization's procedures for administering the peer review program. (4-2-03)

c. Review, on the basis of a random selection, a number of reviews performed by the administering organization. The review shall include, at a minimum, a review of the report on the peer review, the letter of comments (if any), the firm's response to the matters discussed in the letter of comments, the administering organization's acceptance letter outlining any additional corrective or monitoring procedures, and the working papers on the selected reviews. The purpose of review by Oversight Committee is to determine whether the reviews are being conducted and reported on in accordance with the peer review minimum standards. (4-2-03)

d. Expand the review of peer review documents if significant deficiencies, problems, or inconsistencies are encountered during the review of the materials. (4-2-03)

02. Oversight Report Review. Alternatively, for those organizations participating in the AICPA oversight program in connection with involved state societies, Oversight Committee may obtain and review the oversight program report to insure that the reviews are being conducted and reported on in accordance with the peer review minimum standards. (4-2-03)

03. Annual Recommendation. On the basis of the result of the foregoing procedures, Oversight Committee shall make an annual recommendation to the Board as to the continuing qualifications of the approved administering organizations. (4-2-03)

Senate Commerce and Human Resources Committee

IDAHO BOARD OF ACCOUNTANCY
Idaho Accountancy Rules

Docket No. 01-0101-0402
PENDING RULE

612. OVERSIGHT COMMITTEE PROCEDURES FOR THE ~~SECPS~~ CPCAF (RULE 612).

Where the administering organization is the ~~SECPS~~ CPCAF, the Oversight Committee shall review the published annual report of the monitoring organization. The Oversight Committee shall conclude whether the procedures carried out by the monitoring organization and the disclosures contained in the annual report are indicative of an acceptable level of oversight. Based on the results of its review, Oversight Committee shall make an annual recommendation to the Board as to the continuing qualifications of ~~SECPS~~ CPCAF as an approved administering organization. (4-2-03)(____)

(BREAK IN CONTINUITY OF SECTIONS)

615. PROGRAM COSTS AND FEES (RULE 615).

All costs associated with the peer review program will be paid by program participants. The costs of the peer review will be agreed upon between the firm and the administering organization or the reviewing firm. The administrative costs incurred by the Board, including Oversight Committee administrative costs, will be paid through a fee paid by the firms that are subject to peer review as prescribed by Rule 702. Oversight Committee costs incurred in qualifying administering organizations will be paid by the applicant administering organization. (4-2-03)(____)

Senate Commerce and Human Resources Committee

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.01.03 - RULES OF ELECTRICAL LICENSING AND REGISTRATION - GENERAL

DOCKET NO. 07-0103-0401

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 54-1006(5) and 54-1007, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the June 2, 2004 Idaho Administrative Bulletin, Volume 04-6, pages 14 and 15.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Gary Malmen, Electrical Bureau Chief, 208-332-7147.

DATED this 30th day of June, 2004.

The Following Notice Was Published With The Temporary And Proposed Rule

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2004.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Sections 54-1006(5) and 54-1007, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than June 16, 2004.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

Senate Commerce and Human Resources Committee

DIVISION OF BUILDING SAFETY Electrical Licensing and Registration - General

**Docket No. 07-0103-0401
PENDING RULE**

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The proposed rule change will update the requirement for apprentice electrician registration. An apprentice who has completed the required number of instructional hours and has not passed the journeyman's examination within two (2) years of completion of the required instructional training hours shall provide proof of continuation training in order to re-register as an apprentice beginning July 1, 2004. An apprentice who has not advanced in apprenticeship training for a period of two (2) years shall provide proof of successful completion of continuation training in order to re-register as an apprentice beginning July 1, 2004.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(b) and 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This rule change is necessary to comply with Section 54-1007, Idaho Code regarding apprentice electrician training requirements.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the changes are required to comply with Section 54-1007, Idaho Code.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Gary Malmen, Electrical Bureau Chief, 332-7147.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 23, 2004.

DATED this 5th day of May, 2004.

Dave Munroe, Administrator
Division of Building Safety
1090 E. Watertower St.
Meridian, Idaho 83642
Phone: 208-332-7100/Fax: 208-855-2164

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

012. APPRENTICE ELECTRICIAN.

01. Requirements For Apprentice Electrician.

(5-3-03)

Senate Commerce and Human Resources Committee

DIVISION OF BUILDING SAFETY Electrical Licensing and Registration - General

***Docket No. 07-0103-0401
PENDING RULE***

a. A person wishing to become an apprentice electrician register with the Division of Building Safety prior to going to work. Said person shall carry a current registration certificate on his person at all times and shall present it upon request to personnel of the Division of Building Safety for examination. Each apprentice shall re-register prior to each July 31, furnishing proof of completion of a minimum of one hundred forty-four (144) hours of an organized sequence of instruction in technical subjects related to the electrical trade as approved by the Idaho State Electrical Board and the Idaho State Board for Professional and Technical Education and work experience performed during the previous year with notarized letters from each employer and a certificate of achievement from the vocational institution attended. This requirement shall continue each year until the minimum requirements of Chapter 10, Title 54, Idaho Code, have been fulfilled. Any apprentice failing to register by August 1 of each year shall pay an additional fee of ten dollars (\$10) to revive his registration certificate. Time shall not be credited while the apprentice is inactive or not registered, nor shall time be allowed for any year which is not accompanied by proof of required instruction for that year of apprenticeship. (5-3-03)

b. In order to qualify to take the journeyman electrician examination an apprentice electrician shall be required to work four (4) years, defined as a minimum of eight thousand (8,000) hours of work experience, under the constant on-the-job supervision of a journeyman electrician. That work shall include three (3) categories: (5-3-03)

- i. Residential; (5-3-03)
- ii. Commercial; and (5-3-03)
- iii. Industrial installations. (5-3-03)

c. Experience shall not exceed seventy-five percent (75%) of the work time in any one (1) category. The requirements of Subsection 012.01.b. shall not apply to a registered apprentice enrolled in an apprenticeship program accredited by the Electrical Bureau. (5-3-03)

d. An apprentice who has completed the required number of instructional hours and has not passed the journeyman's examination within two (2) years of completion of the required instructional training hours shall provide proof of continuation training in order to re-register as an apprentice. For the purposes of Section 012, continuation training is defined as registration in an approved fourth year apprenticeship class. (7-1-04)T

e. An apprentice who has not advanced in apprenticeship training for a period of two (2) years shall provide proof of successful completion of continuation training in order to re-register as an apprentice. For purposes of Section 012, continuation training is registration in an approved year of apprenticeship class for which the apprentice is eligible or a repeat of the most recent apprenticeship class attended. (7-1-04)T

02. Direct Supervision. It shall be the responsibility of the employing electrical contractor to insure that the apprentice performs electrical work only under the constant on-the-job supervision of a journeyman electrician. Any contractor who employs more than two (2) apprentice electricians for each licensed journeyman electrician employed is presumed to be in violation of the direct supervision requirements of Section 54-1010, Idaho Code, and of the

Senate Commerce and Human Resources Committee

***DIVISION OF BUILDING SAFETY
Electrical Licensing and Registration - General***

***Docket No. 07-0103-0401
PENDING RULE***

constant on-the-job supervision requirement of Section 54-1003A, Idaho Code. This presumption may be rebutted by a showing by the contractor that special circumstances exist which are peculiar to the work done by that contractor which allows for effective supervision by each journeyman electrician of more than two (2) apprentice electricians. Prior to employing more than two (2) apprentice electricians for each journeyman electrician, a contractor must obtain permission from the Electrical Bureau to do so. Failure to comply with this requirement will be grounds for suspension or revocation of the electrical contractor's license. (4-1-91)

Senate Commerce and Human Resources Committee

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.01.03 - RULES OF ELECTRICAL LICENSING AND REGISTRATION - GENERAL

DOCKET NO. 07-0103-0402

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 54-1006(5) and 54-1007, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the June 2, 2004 Idaho Administrative Bulletin, Volume 04-6, page 16.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Gary Malmen, Electrical Bureau Chief, 208-332-7147.

DATED this 30th day of June, 2004.

The Following Notice Was Published With The Temporary And Proposed Rule

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2004.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Sections 54-1006(5) and 54-1007, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than June 16, 2004.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

Senate Commerce and Human Resources Committee

DIVISION OF BUILDING SAFETY
Electrical Licensing and Registration - General

Docket No. 07-0103-0402
PENDING RULE

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking: The proposed rule change will require that an applicant for a master electrician license have at least four (4) years experience as a licensed journeyman electrician. The increase in the number of years from two (2) to four (4) is necessary to comply with changes made to Section 54-1007, Idaho Code by House Bill 0529.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(b) and 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: This rule change is necessary to comply with changes made to Section 54-1007, Idaho Code by House Bill 0529.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the changes are required to comply with Section 54-1007, Idaho Code.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Gary Malmen, Electrical Bureau Chief, 332-7147.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 23, 2004.

DATED this 5th day of May, 2004.

Dave Munroe, Administrator
Division of Building Safety
1090 E. Watertower St.
Meridian, Idaho 83642
Phone: 208-332-7100/Fax: 208-855-2164

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

014. MASTER ELECTRICIAN.

An applicant for a Master Electrician license must have at least ~~two~~ four (24) years experience as a licensed journeyman electrician as provided in Section 54-1007, Idaho Code. Any person having these qualifications may make application at any time by remitting to the Electrical Bureau the application fee. Upon approval, the applicant will be notified and may apply to take the next examination. Upon notification of passing the examination, the applicant must remit the required fee for the issuance of a master license. A person holding a current master license shall not be required to hold a journeyman license. (4-5-00)(7-1-04)T

Senate Commerce and Human Resources Committee

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.01.04 - RULES GOVERNING ELECTRICAL SPECIALTY LICENSING

DOCKET NO. 07-0104-0401

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1006, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed with no changes. The original text of the proposed rule was published in the August 4, 2004 Idaho Administrative Bulletin, Volume 04-8, pages 26 through 28.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Gary Malmen, Electrical Bureau Chief, 208-332-7147.

DATED this 25th day of August, 2004.

The Following Notice Was Published With The Proposed Rule

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-1006, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 18, 2004.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Senate Commerce and Human Resources Committee

DIVISION OF BUILDING SAFETY
Rules Governing Electrical Specialty Licensing

Docket No. 07-0104-0401
PENDING RULE

Currently, administrative rule does not allow Well Driller/Pump Installer Specialty Electricians to install effluent pumps even though the pump installations are similar to the scope of work that is provided under the administrative rule. The proposed change will allow Specialty Electrical Licensees in the Well Driller/Pump Installer category to install residential effluent pumps under certain conditions.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the Idaho Electrical Board discussed the issue at a publicly held Board meeting.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Gary Malmen, Electrical Bureau Chief, 208-332-7147.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 25, 2004.

DATED this 30th day of June, 2004.

Dave Munroe, Administrator
Division of Building Safety
1090 E. Watertower St.
Meridian, Idaho 83642

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

014. ELECTRICAL SPECIALTIES REQUIRING A SPECIAL LICENSE.

The following shall be considered as electrical specialties, the practice of which shall require a special license: (4-9-79)

01. Elevator, Dumbwaiter, Escalator, or Moving-Walk Electrical. Any person qualifying for and having in his possession a current elevator electrical license may install, maintain, repair, and replace equipment, controls, and wiring beyond the disconnect switch in the machine room of the elevator and pertaining directly to the operation and control thereof when located in the elevator shaft and machine room. He shall be employed by a licensed elevator electrical contractor and his installation shall be limited to this category. The holder of such specialty license may not countersign a contractor's license application as supervising journeyman except for work within his specialty. (4-9-79)

02. Sign Electrical. Any person qualifying for and having in his possession a current sign electrical license may install, maintain, repair, and replace equipment, controls, and wiring

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***Docket No. 07-0104-0401
PENDING RULE***

on the secondary side of sign disconnecting means; providing the disconnecting means is located on the sign or within sight therefrom. He shall be employed by a licensed sign electrical contractor whose installations shall be limited to this category. The holder of such specialty license may not countersign a contractor's license application as supervising journeyman except for work within his specialty. (3-15-02)

03. Manufacturing or Assembling Equipment. (4-5-00)

a. A licensed specialty manufacturing or assembling equipment electrician must be employed by a licensed specialty manufacturing or assembling equipment contractor in order to work in this category. The holder of a specialty license in this category may not countersign a contractor's license application as supervising journeyman except for work within this specialty. (4-5-00)

b. Any person licensed pursuant to Subsection 014.03.a. may install, maintain, repair, and replace equipment, controls, and accessory wiring, integral to the specific equipment, on the load side of the equipment disconnecting means. Electrical service and feeder are to be installed by others. The licensee may also install circuitry in modules or fabricated enclosures for the purpose of connecting the necessary components which individually bear a label from a nationally recognized testing laboratory when such equipment is designed and manufactured for a specific job installation. All wiring completed shall meet all requirements of Title 54, Chapter 10, Idaho Code, all rules promulgated pursuant thereto, and the most current edition of the National Electrical Code. (7-1-94)

04. Limited Energy Electrical License. (9-17-85)

a. Limited energy systems are defined as fire and security alarm systems, class 2 and class 3 signaling circuits, key card operators, nurse call systems, motor and electrical apparatus controls and other limited energy applications covered by the NEC. (7-1-99)

b. Limited energy systems do not include, and no license of any type is required for, the installation of landscape sprinkler controls or communication circuits, wires and apparatus that include telephone systems, telegraph facilities, outside wiring for fire and security alarm systems which are used for communication purposes, and central station systems of a similar nature, PBX systems, audio-visual and sound systems, public address and intercom systems, data communication systems, radio and television systems, antenna systems and other similar systems. (7-1-99)

c. Unless exempted by Section 54-1016, Idaho Code, any person who installs, maintains, replaces or repairs electrical wiring and equipment for limited energy systems in facilities other than one (1) or two (2) family dwellings shall be required to have a valid limited energy electrical license and must be employed by a licensed limited energy specialty electrical contractor or electrical contractor. The holder of a specialty license may only countersign a contractor's application as a supervising journeyman for work within his specialty. (7-1-98)

05. Irrigation Sprinkler Electrical. Any person qualifying for and having in his possession, an irrigation system electrical license may install, maintain, repair and replace equipment, controls and wiring beyond the disconnect switch supplying power to the electric

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irrigation machine. The irrigation machine is considered to include the hardware, motors and controls of the irrigation machine and underground conductors connecting the control centers on the irrigation machine to the load side of the disconnecting device. Disconnect device to be installed by others. All such installations performed by individuals under this section shall be done in accordance with the applicable provisions of the National Electrical Code. He shall be employed by a licensed electrical contractor whose license is contingent upon the granting of a specialty electrical license to an employee and whose installations shall be limited to this category. The holder of a specialty license may not countersign a contractor's license application as supervising specialty journeyman except for work in his specialty. (1-1-92)

06. Well Driller and Water Pump Installer Electrical Licenses. All such installations performed by individuals under this section shall be done in accordance with the applicable provisions of the approved National Electrical Code. He shall be employed by a licensed well driller and water pump installer electrical contractor whose installations shall be limited to this category. The holder of such specialty license may not countersign a contractor's license application as supervising specialty journeyman except for work in his specialty. Any person currently licensed in this category may perform the following types of installations: (1-14-87)

a. Single or three (3) phase ~~well~~ water pumps: install, maintain, repair and replace all electrical equipment, wires, and accessories from the pump motor up to the load side, including fuses, of the disconnecting device. Disconnecting device installed by others. (7-1-98)()

b. Domestic water pumps, one hundred twenty/two hundred forty (120/240) volt, single phase, sixty (60) amps or less: Install, maintain, repair and replace all electrical equipment, wires, and accessories from the pump motor up to and including the disconnecting device. (7-1-98)

c. Temporarily connect into a power source to test the installations, provided that all test wiring is removed before the installer leaves the site. (1-14-87)

d. Individual residential wastewater pumping units. Install, maintain, repair and replace all electrical equipment, wires, and accessories from the pump motor up to and including the disconnecting device for systems that serve one (1) or two (2) family residential installations. ()

07. Refrigeration, Heating, and Air-Conditioning Electrical Installer. All such installation, maintenance, and repair performed by individuals under this section shall be done in accordance with applicable provisions of the National Electrical Code. He shall be employed by a licensed electrical contractor whose license shall be covered by this category. The holder of such specialty license may not countersign a contractor's license application as a supervising specialty journeyman except for work in his specialty. Any person currently licensed in this category may perform the following types of installations, which installations shall be limited to factory-assembled, packaged units: (9-17-85)

a. Heating Units (single phase): install, repair, and maintain all electrical equipment, wires, and accessories from the unit up to the load side, including fuses, of the disconnecting device. Disconnecting device to be installed by others. (9-17-85)

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b. Refrigeration, Air-Conditioning Equipment and Heat Pumps (single phase): install, repair, and maintain all electrical equipment, wires, and accessories from the unit up to the load side, including fuses, of the disconnecting device. Disconnecting device to be installed by others. (9-17-85)

c. Refrigeration, Air-Conditioning and Heating Systems (three-phase): install, maintain, and repair all electrical equipment and accessories up to the load side, including fuses, of the disconnecting device. Disconnecting device to be installed by others. (9-17-85)

Senate Commerce and Human Resources Committee

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.01.05 - RULES GOVERNING EXAMINATIONS

DOCKET NO. 07-0105-0401

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1006, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed with no changes. The original text of the proposed rule was published in the August 4, 2004 Idaho Administrative Bulletin, Volume 04-8, pages 29 and 30.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Gary Malmen, Electrical Bureau Chief, 208-332-7147.

DATED this 25th day of August, 2004.

The Following Notice Was Published With The Proposed Rule

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-1006, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 18, 2004.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Senate Commerce and Human Resources Committee

DIVISION OF BUILDING SAFETY Rules Governing Examinations

***Docket No. 07-0105-0401
PENDING RULE***

Currently, applicants failing an examination for a third time must wait a year before they may test again. Also, a year must pass after each subsequent failure before an applicant may test again.

The proposed rule change will provide applicants who have failed an examination for the third time with an alternative allowing them to test again when they have provided proof, satisfactory to the board, of completion of twenty-four (24) hours of board-approved, related electrical training or continuing education since the date of the failed third examination. For those applicants who have failed an examination four (4) or more times the proposed rule change provides the alternative of allowing the applicant to provide proof, satisfactory to the board, of completion of thirty-two (32) hours of board-approved, related electrical training or continuing education since the date of the most recently failed examination.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the Idaho Electrical Board discussed the proposed rule change at several Board meetings and the industry has been supportive of the proposed change.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Gary Malmen, Electrical Bureau Chief, 208-332-7147.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 25, 2004.

DATED this 30th day of June, 2004.

Dave Munroe, Administrator
Division of Building Safety
1090 E. Watertower St.
Meridian, Idaho 83642
Phone: 208-332-7100/Fax: 208-855-2164

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

011. EXAMINATIONS.

The Electrical Board shall review and approve all versions of examinations prior to administration. (4-5-00)

01. Frequency of Conducting of Examinations. Examinations for all classifications under the Electrical Laws and Rules will be given a minimum of four (4) times each year in at least three (3) locations: One (1) to be in northern Idaho, one (1) to be in central Idaho, and one

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DIVISION OF BUILDING SAFETY Rules Governing Examinations

***Docket No. 07-0105-0401
PENDING RULE***

(1) to be in southern Idaho. The applicant will be notified in writing of the date, time, and location at which the examination will be given, following approval of the application. (4-5-00)

02. Professional Testing Services. In lieu of the administration by the Idaho Electrical Board of the examination for licenses pursuant to this rule, the Board may contract with a professional testing service, to administer the examination, and require license applicants to pay to the testing service the fee that they have set for the examination and to take such examination at the time set by such service. After taking such examination, the applicant shall provide the board with an official copy of his or her test score, before the license will be granted. If the examination is conducted in this fashion, the Board may charge and retain the application fee provided for by Section 54-1014 of the Idaho Code to cover the cost of reviewing the applicant's application. (4-5-00)

03. Required Scores. The following scores are considered minimum for passing and are required to be achieved by the applicant prior to issuance of the appropriate license or certification.

| |
|--|
| Journeyman Electrician - 70% |
| Specialty Journeyman Electrician - 70% |
| Electrical Contractor - 70% |
| Specialty Electrical Contractor - 70% |
| Electrical Inspector - 70% |
| Master Electrician - 75% |

()

04. Failed Examinations.

()

a. An applicant receiving less than a passing score on a first or second examination may be reexamined at the expiration of thirty (30) days ~~from~~ after the date of the failed examination. ()

b. ~~After a~~ Before being reexamined after failing an examination the third failure time, an applicant ~~may not be tested before~~ must: ()

i. Wait until the expiration of one (1) year from the date of the failed third examination; or ()

ii. Provide proof, satisfactory to the board, of completion of a minimum of twenty-four (24) hours of board-approved, related electrical training or continuing education since the date of the failed third examination. ()

c. ~~Subsequent~~ Before being reexamined after any further failures will require, an applicant for reexamination must: ()

i. Wait until the expiration of an additional one (1) year ~~restriction~~ from testing; the

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***DIVISION OF BUILDING SAFETY
Rules Governing Examinations***

***Docket No. 07-0105-0401
PENDING RULE***

date of the failed examination; or

~~(4-5-00)~~(____)

ii. Provide proof, satisfactory to the board, of completion of thirty-two (32) hours of board-approved, related electrical training or continuing education since the date of the failed examination.

(____)

012. -- 999. (RESERVED).

Senate Commerce and Human Resources Committee

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.01.06 - RULES GOVERNING THE USE OF NATIONAL ELECTRICAL CODE

DOCKET NO. 07-0106-0403

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1006, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

There are no changes to the pending rule. The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 6, 2004 Idaho Administrative Bulletin, Volume 04-10, pages 130 and 131.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Gary Malmen, Electrical Bureau Chief, 208-332-7147.

DATED this 3rd day of November, 2004.

The Following Notice Was Published With The Temporary And Proposed Rule

EFFECTIVE DATE: The effective date of the temporary rule is August 11, 2004.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 54-1006, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 20, 2004.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

Senate Commerce and Human Resources Committee

***DIVISION OF BUILDING SAFETY
Use of National Electrical Code***

***Docket No. 07-0106-0403
PENDING RULE***

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The temporary and proposed rule change incorporates information regarding new products that have become available and are suitable for safer installation and fusing of luminaires mounted on light poles. The rule change is necessary to address the potential safety hazard created by the practice of mounting an electrical service disconnect switch onto the outside of a luminaire pole.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The adoption of the temporary rule is necessary to protect public safety by eliminating the mounting of electrical service disconnects onto the outside of a luminaire pole, which leaves the disconnect exposed to vandalism and damage by lawn mowers.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: There are no fees or charges being imposed or increased.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the Idaho Electrical Board determined the need for the rule to be an emergency. The issue was discussed at public Board meetings thereby allowing the public's input.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Gary Malmen, Electrical Bureau Chief, 208-332-7147.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2004.

DATED this 25th day of August, 2004.

Dave Munroe, Administrator
Division of Building Safety
1090 E. Watertower St.
Meridian, Idaho 83642
Phone: 208-332-7100/Fax: 208-855-2164

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

011. NATIONAL ELECTRICAL CODE, 2002 EDITION.

Senate Commerce and Human Resources Committee

DIVISION OF BUILDING SAFETY Use of National Electrical Code

***Docket No. 07-0106-0403
PENDING RULE***

01. Documents. Under the provisions of Section 54-1001, Idaho Code, the National Electrical Code, 2002 Edition, is hereby adopted for the state of Idaho and shall be in full force and effect on and after July 1, 2002, with the exception of Article 80 and the following: (5-3-03)

a. Compliance with Article 675.8(B) will include the additional requirement that a disconnecting means always be provided at the point of service from the utility no matter where the disconnecting means for the machine is located. (5-3-03)

b. Compliance with Article 550.32(B) shall limit installation of a service on a manufactured home to those homes manufactured after January 1, 1992. (5-3-03)

c. Compliance with Article 210.12(B) shall not apply to the fire/smoke alarm branch circuit outlet. (5-3-03)

d. Poles used as lighting standards that are forty (40) feet or less in nominal height and that support no more than four (4) luminaires operating at a nominal voltage of three hundred (300) volts or less, shall not be considered to constitute a structure as that term is defined by the National Electrical Code (NEC). The disconnecting means shall not be mounted to the pole. The disconnecting means may be permitted elsewhere in accordance with NEC, Article 225.32, exception 3. SEC special purpose fuseable connectors (model SEC 1791-DF or model SEC 1791-SF) or equivalent shall be installed in a listed handhole (underground) enclosure. The enclosure shall be appropriately grounded and bonded per the requirements of the NEC applicable to Article 230-Services. Overcurrent protection shall be provided by a (fast-acting – minimum - 100K RMS Amps 600 VAC) rated fuse. Wiring within the pole for the luminaires shall be protected by supplementary overcurrent device(s) (time-delay – minimum - 10K RMS Amps 600 VAC) in break-a-way fuse holder(s) accessible from the hand hole. Any poles supporting or incorporating utilization equipment or exceeding the prescribed number of luminaires, or in excess of forty (40) feet, shall be considered structures, and an appropriate service disconnecting means shall be required per the NEC. All luminaire-supporting poles shall be appropriately grounded and bonded per the NEC. (8-11-04)T

02. Availability. This document is available at the office of the Division of Building Safety, Electrical Bureau 1090 E. Watertower St., Meridian, Idaho. (5-3-03)

Senate Commerce and Human Resources Committee

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.02.05 - RULES GOVERNING PLUMBING SAFETY LICENSING

DOCKET NO. 07-0205-0401

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 54-2606 and 54-2614A, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed with no changes. The original text of the proposed rule was published in the October 6, 2004 Idaho Administrative Bulletin, Volume 04-10, pages 135 and 136.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Ted Hogander, Plumbing Bureau Chief, 208-332-7154.

DATED this 3rd day of November, 2004.

The Following Notice Was Published With The Temporary And Proposed Rule

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2004.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 54-2606 and 54-2614A, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 20, 2004.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation

Senate Commerce and Human Resources Committee

***DIVISION OF BUILDING SAFETY
Rules Governing Plumbing Safety Licensing***

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PENDING RULE***

must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The temporary and proposed rule change is necessary to comply with Section 54-2614A, Idaho Code, which establishes a staggered schedule of apprentice and specialty apprentice registration and renewal effective July 1, 2004.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This year's HB 528a applies an effective date of July 1, 2004 to Section 54-2614A, Idaho Code, which provides for a staggered schedule of apprentice and specialty apprentice registration and renewal.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because Section 54-2614A, Idaho Code requires the change in administrative rule.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Ted Hogander, Plumbing Bureau Chief, 208-332-7154.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2004.

DATED this 25th day of August, 2004.

Dave Munroe, Administrator
Division of Building Safety
1090 E. Watertower St.
Meridian, Idaho 83642
Phone: 208-332-7100
Fax: 208-855-2164

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

011. APPRENTICE REGISTRATION.

The minimum age for any apprentice shall be sixteen (16) years. All apprentices shall be

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registered with the department. The registration fee shall be as prescribed by Section 54-2614, Idaho Code. No examination is required. In order to maintain registration properly, an individual must be working at the trade under the constant on-the-job supervision of a journeyman and in the employ of a contractor. He must also be enrolled and active in an approved related training class for a total of four (4) years. A grade average of seventy percent (70%) must be maintained in these courses. Upon completion of apprenticeship training, the apprentice must obtain a certificate of completion, or a letter signed by the chairman of his apprenticeship committee, and attach the certificate or letter to his application for a journeyman license. In order to maintain registration, the apprentice shall renew his registration ~~each year before December 31~~ annually in the month of his initial registration. The renewal fee shall be as prescribed by Section 54-2614, Idaho Code.

(~~8-25-88~~)(7-1-04)T

Senate Commerce and Human Resources Committee

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.02.05 - RULES GOVERNING PLUMBING SAFETY LICENSING

DOCKET NO. 07-0205-0402

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 54-2606 and 54-2617, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed with no changes. The original text of the proposed rule was published in the October 6, 2004, Idaho Administrative Bulletin, Volume 04-10, pages 137 through 139.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Ted Hogander, Plumbing Bureau Chief, 208-332-7154.

DATED this 3rd day of November, 2004.

The Following Notice Was Published With The Temporary And Proposed Rule

EFFECTIVE DATE: The effective date of the temporary rule is January 1, 2005.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 54-2606 and 54-2617, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 20, 2004.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation

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DIVISION OF BUILDING SAFETY
Rules Governing Plumbing Safety Licensing**Docket No. 07-0205-0402**
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must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The temporary and proposed rule change is necessary to comply with Section 54-2617, Idaho Code, which establishes a staggered schedule of issuing and renewing certificates of competency effective January 1, 2005.

The rule change revises the expiration date of the plumbing contractor and journeyman certificates of competency from December 31st of each year to the month in which the certificate was issued (every three (3) years after initial implementation). Under the staggered schedule, fees will be prorated based on the number of months for which the certificate of competency is issued.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

Section 54-2617, Idaho Code requires the Idaho Plumbing Board to promulgate rules providing for a staggered schedule of issuing and renewing certificates of competency effective January 1, 2005.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because Section 54-2617, Idaho Code requires the change in administrative rule.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Ted Hogander, Plumbing Bureau Chief, 208-332-7154.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2004.

DATED this 25th day of August, 2004.

Dave Munroe, Administrator
Division of Building Safety
1090 E. Watertower St.
Meridian, Idaho 83642
Phone: 208-332-7100/Fax: 208-855-2164

Senate Commerce and Human Resources Committee

DIVISION OF BUILDING SAFETY
Rules Governing Plumbing Safety Licensing

Docket No. 07-0205-0402
PENDING RULE

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

013. PLUMBING CONTRACTOR

01. Qualifications for Plumbing Contractor. A plumbing contractor must be certified as competent by the board and the director of the department before he offers his service to the public. To obtain the certificate, he must first submit an acceptable application. The application must show, among other things, a provable minimum of two and one-half (2 1/2) years experience as a journeyman plumber either in the state of Idaho or another State. Such experience may be proven by the submission with the application of a photostatic copy of the license from another jurisdiction, which has been held for the required period of time. However, if the applicant is from a state which does not require or provide for formal journeyman licensing, then said experience may be proven by the submission of three (3) sworn affidavits from individuals attesting to the fact that the applicant has had at least two and one-half (2 1/2) years experience as a journeyman plumber. Applications which are incomplete in any detail will be returned as unacceptable. A compliance bond must also be on file in the department before an examination will be given. The examination fee shall be as prescribed by Section 54-2614, Idaho Code, and must accompany the application. (8-25-88)

02. Restrictive Use of Contractor Certificate. Any individual holding a contractor certificate and designated by a firm to represent that firm for licensing purposes shall represent one (1) firm only, and shall immediately notify the department in writing when his working arrangement with that firm has been terminated for purposes of becoming self-employed or affiliation with another firm, or for any other reason. A license holder cannot represent any other person or firm, self-employed or otherwise, than originally stated on his application for license. When a change is made, he is required to so inform the department. Otherwise, he is guilty of transferring his license in violation of Section 54-2610, Idaho Code, and is subject to license suspension, revocation, or refusal to renew under Section 54-2608, Idaho Code, or to prosecution under the provisions of Section 54-2628, Idaho Code. (8-25-88)

03. Previous Revocation. Any applicant for a plumbing contractor's license who has previously had his plumbing contractor's license revoked for cause, as provided by Section 54-2608, Idaho Code, shall be considered as unfit and unqualified to receive a new plumbing contractor's license so long as such cause for revocation is continuing, and of such a nature that correction can be made by the applicant. (11-14-85)

04. Reviving an Expired License. Any applicant for a plumbing contractor's license who has allowed his license to expire and seeks to revive it under the provisions of Section 54-2617, Idaho Code, may be denied a license as unfit and unqualified if, while operating under the license prior to expiration, he violated any of the laws, rules and/or regulations applicable to plumbing contractors, and such violation is continuing, and of such a nature that corrections can be made by the applicant. (11-14-85)

05. Effective Dates. The effective dates of the compliance bond referred to in IDAPA 07.02.05.013.01 shall coincide with the effective dates of the contractor's license, ~~January 1st - December 31st~~. Proof of renewal of the compliance bond must be on file with the Department before the contractor can renew or revive his license. (8-25-88)(1-1-05)T

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DIVISION OF BUILDING SAFETY Rules Governing Plumbing Safety Licensing

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PENDING RULE**

06. Plumbing Contractor's Responsibility. It shall be the responsibility of the plumbing contractor to ensure that all his employees working at the plumbing trade are licensed as provided by Idaho Code and these rules. (8-25-88)

(BREAK IN CONTINUITY OF SECTIONS)

016. CERTIFICATES OF COMPETENCY – ISSUANCE, RENEWAL, ~~EXPIRATION,~~ REVIVAL - FEES.

Journeyman plumber and plumbing contractor licenses must be renewed each year before the last day of December. Failure to renew the license will cause it to expire. It may be revived within one year by payment of the initial fee for said license. The fees for renewal and revival shall be as prescribed in Section 54-2616, Idaho Code. (8-25-88)

01. Issuance. Certificates of competency shall be issued in such a manner as to create a renewal date that coincides with the birthdate of the individual to whom the certificate is issued and allows for renewals every three years. (1-1-05)T

a. Certificates of competency shall be issued for a period of no less than one (1) year and no more than three (3) years. For example: a qualified applicant who applies for a certificate of competency in August of year one (1) but whose birthday will not occur until March of year two (2) shall be issued a certificate of competency renewable on the anniversary of the applicant's birthdate. (1-1-05)T

b. The fee for issuance of certificates of competency shall be prorated based on the number of months for which it is issued. (1-1-05)T

02. Renewal. Certificates of competency shall be renewed in such a manner as will achieve a staggered system of certificate renewal using the birthdate of the individual to whom the certificate is issued as the expiration date. (1-1-05)T

a. Certificates of competency shall be renewed for a period of no less than one (1) year and no more than three years. (1-1-05)T

b. The fee for renewal of certificates of competency shall be prorated based on the number of months for which it is issued. (1-1-05)T

03. Expiration - Revival. (1-1-05)T

a. Certificates that are not timely renewed will expire. (1-1-05)T

b. A certificate that has expired may be revived within twelve months of its expiration by submitting a completed application and paying the same fee as for an initial certificate and meeting all other certification requirements. (1-1-05)T

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c. Revived certificates shall be issued in such a manner as to create a renewal date that coincides with the birthdate of the applicant to achieve a staggered system of renewal.
(1-1-05)T

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IDAPA 07 - DIVISION OF BUILDING SAFETY

07.02.05 - RULES GOVERNING PLUMBING SAFETY LICENSING

DOCKET NO. 07-0205-0403

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-2606, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed with no changes. The original text of the proposed rule was published in the October 6, 2004 Idaho Administrative Bulletin, Volume 04-10, pages 140 and 141.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Ted Hogander, Plumbing Bureau Chief, 208-332-7154.

DATED this 3rd day of November, 2004.

The Following Notice Was Published With The Proposed Rule

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-2606, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 20, 2004.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and

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DIVISION OF BUILDING SAFETY Rules Governing Plumbing Safety Licensing

***Docket No. 07-0205-0403
PENDING RULE***

purpose of the proposed rulemaking:

The proposed rule change clarifies the order in which four years of apprenticeship training must be taken and the number of hours required in each school year.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because Section 54-2606, Idaho Code authorizes the change in administrative rule; and the changes were discussed at meetings of the Idaho Plumbing Board, which are open to the public.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Ted Hogander, Plumbing Bureau Chief, 208-332-7154.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2004.

DATED this 25th day of August, 2004.

Dave Munroe, Administrator
Division of Building Safety
1090 E. Watertower St.
Meridian, Idaho 83642
Phone: 208-332-7100
Fax: 208-855-2164

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

011. APPRENTICE REGISTRATION.

The minimum age for any apprentice shall be sixteen (16) years. All apprentices shall be registered with the ~~department~~ division. The registration fee shall be as prescribed by Section 54-2614, Idaho Code. No examination is required. In order to maintain registration properly, an individual must be working at the trade under the constant on-the-job supervision of a journeyman and in the employ of a contractor. ~~He~~ The apprentice must also be enrolled and active in an approved related training class for a total of four (4) years. Unless prior approval has been granted by the plumbing bureau, the apprentice must complete the required course work sequentially: year one (1) must be completed prior to beginning year two (2); year two (2) must be completed prior to beginning year three (3); and year three (3) must be completed prior to beginning year four (4). A minimum of one hundred forty-four (144) hours of classroom and/or other board approved instruction time per school year is required. A grade average of seventy percent (70%) must be maintained in these courses. Upon completion of apprenticeship training,

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the apprentice must obtain a certificate of completion, or a letter signed by the chairman of his apprenticeship committee, and attach the certificate or letter to his application for a journeyman license. In order to maintain registration, the apprentice shall renew his registration each year before December 31. The renewal fee shall be as prescribed by Section 54-2614, Idaho Code.

~~(8-25-88)~~()

Senate Commerce and Human Resources Committee

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.02.06 - RULES CONCERNING UNIFORM PLUMBING CODE

DOCKET NO. 07-0206-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-2605(1), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the December 3, 2003 Idaho Administrative Bulletin, Volume 03-12, pages 36 through 38.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Ted Hogander, Plumbing Bureau Chief, Division of Building Safety, (208) 332-7140.

DATED this 31st day of March, 2004.

The Following Notice Was Published With The Temporary And Proposed Rule

EFFECTIVE DATE: The effective date of the temporary rule is September 12, 2003.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 54-2605(1), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than December 17, 2003.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

Senate Commerce and Human Resources Committee

DIVISION OF BUILDING SAFETY
Uniform Plumbing Code

Docket No. 07-0206-0301
PENDING RULE

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The temporary and proposed rule change is necessary in order to protect the public. By adopting the 2003 Uniform Plumbing Code, this change assures that the most recent version of the Uniform Plumbing Code is adopted for use in the state of Idaho as authorized by Idaho Code Section 54-2601.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate as the change is necessary to protect the public health, safety and welfare.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the temporary and proposed rulemaking is necessary in order to protect the public health, safety and welfare.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Ted Hogander, Plumbing Bureau Chief, Division of Building Safety, (208) 332-7140.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before December 24, 2003.

DATED this 29th day of October, 2003.

Dave Munroe, Administrator
Division of Building Safety
1090 E. Watertower St.
Meridian, Idaho 83642
(208) 334-3951 / (208) 855-2164

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

011. ADOPTION AND INCORPORATION BY REFERENCE OF THE 2000~~3~~ UNIFORM PLUMBING CODE.

The 2000~~3~~ Uniform Plumbing Code, including Appendices "A, B, ~~C~~, D, E, G, H, I, J, and L," (~~herein U.P.C.~~) is adopted and incorporated by reference with the following amendments. The 2000~~3~~ Uniform Plumbing Code is available at the Division of Building Safety, 1090 E. Watertower St., Meridian, Idaho 83642; ~~the Division of Building Safety, 611 Wilson, Ste. 4-C, Pocatello, Idaho 83201;~~ and the Division of Building Safety, 1250 Ironwood Dr., Ste. 220, Coeur d'Alene, Idaho 83814. (5-3-03)(9-12-03)T

Senate Commerce and Human Resources Committee

DIVISION OF BUILDING SAFETY Uniform Plumbing Code

**Docket No. 07-0206-0301
PENDING RULE**

01. Section 218. Delete definition of “Plumbing System.” Incorporate definition of “Plumbing System” as set forth in Section 54-2604, Idaho Code. (3-15-02)

02. Section 316.1.6. PVC DWV may be joined by the use of one-step solvent cement listed or labeled per U.P.C. Section 301.1.1. (9-12-03)T

023. Section 420.0. Pressure balance or thermostatic mixing valves are not required for high flow (over eight (8) g.p.m.) tub filler valves with hand shower sets attached. (3-15-02)

04. Section 421.0. Delete. (9-12-03)T

035. Section 604.1. Materials. Crosslinked Polyethylene (PEX) Tubing manufactured to ASTM – F876/F877 and tested, approved, and listed to ANSI/NSF 14 and 61, for potable water, ~~and Crosslinked Polyethylene, Aluminum Crosslinked Polyethylene (PEX/AL/PEX) along with Polyethylene, Aluminum, Polyethylene (PE/AL/PE) manufactured to ASTM – F1281/F1282 and tested, approved, and listed to the ANSI/NSF 61, for potable water~~ along with all applicable installation standards may be used for hot and cold water distribution systems within a building or cold water distribution systems outside of a building. Listed PE (polyethylene) water service and yard piping may be installed within a building (above ground and below ground) with one (1) joint, provided that only listed and approved metallic transition fittings shall be used. (3-15-02)(9-12-03)T

06. Section 609.4. Testing. Deleting the phrase “Except for plastic piping,” at the beginning of the third sentence and add the following sentence at the end of the section: Plastic piping is to be tested in accordance with manufacturer’s installation standards. (9-12-03)T

047. Section 609.10. Water hammer. Does not apply to residential construction. (7-1-98)

058. Table 6-4 and Table A-2. Change fixture unit loading value for bathtub or combination bath/shower, and clotheswashers to two (2) fixture units. (3-15-02)

069. Section 610.2. All new one (1) and two (2) family residences must have a pre-plumbed water softener loop. The kitchen sink must have one (1) hot soft line and one (1) cold soft line and one (1) cold hard line. Exterior cold hose bibbs intended for irrigation purposes must be piped with hard water. Provisions must be made for the discharge of the water softener to terminate in an approved location. (5-3-03)

10. Section 611.4. Sizing of Residential Softeners. Amend Footnote 3 to read: Over four (4) bathroom groups, softeners shall be sized according to the manufacturer’s standards. (9-12-03)T

0711. Table 7-3. Maximum unit loading and maximum length of drainage and vent piping. (EXCEPTION) The building drain and building sewer is not less than four (4) inches extending from its connection with the city or private sewer system and shall run full size to inside the foundation or building lines (ref: Section 717.0). Change fixture unit loading value for clotheswashers, domestic to two (2) fixture units. (3-15-02)

Senate Commerce and Human Resources Committee

DIVISION OF BUILDING SAFETY Uniform Plumbing Code

**Docket No. 07-0206-0301
PENDING RULE**

~~0812.~~ Section 703.1 - Underground Drainage and Vent Piping. No portion of the drainage or vent system installed underground, underground under concrete or below a basement or cellar shall be less than two (2) inches in diameter. (3-15-02)

~~0913.~~ Section 703.2 and 710.5. Add Exception. In single family dwellings, one (1) fixture unit may be allowed for each gallon per minute of flow from a pump or a sump ejector. (3-15-02)

~~104.~~ Section 704.2. Two inch (2") and smaller ~~D~~double sanitary tees may be used for back to back or side by side fixture trap arms without increasing the barrel size. ~~(7-1-98)~~(9-12-03)T

~~145.~~ Section 704.3. Delete. (5-3-03)

~~126.~~ Table 7-5. Change fixture unit loading value for one and a half (1 1/2) inch horizontal drainage to two (2) fixture units. (7-1-98)

~~137.~~ Section 707.4 Cleanouts. A full-sized accessible cleanout shall be installed in the vertical immediately above the floor or at the base of each waste or soil stack. A full-size cleanout extending to or above finished grade line shall be installed at the junction of the building drain and the building sewer (ref.: Section 719.1). Cleanouts shall be installed at fifty (50) foot intervals in horizontal drain lines two (2) inches or smaller. (3-15-02)

~~18.~~ Section 712.1. In the first sentence, delete the phrase "except that plastic pipe shall not be tested with air". (9-12-03)T

~~14.~~ Sections 722.2, 722.3, 722.4, 722.5, and 722.6. Delete. (3-15-02)

~~159.~~ Section 801.2.3. Add: Food preparation sinks, pot sinks, scullery sinks, dishwashing sinks, silverware sinks, commercial dishwashing machines, silverware-washing machines, steam kettles, potato peelers, ice cream dipper wells, and other similar equipment and fixtures must be indirectly connected to the drainage system by means of an air gap. The piping from the equipment to the receptor must not be smaller than the drain on the unit, but it must not be smaller than one (1) inch (twenty-five point four (25.4) mm). (5-3-03)

~~1620.~~ Section 807.4. A domestic dishwashing machine may be installed without the use of an airgap if the drain hose is looped to the bottom side of the counter top and secured properly. (3-15-02)

~~1721.~~ Section 908. Exception - Vertical Wet Venting. A horizontal wet vent may be created provided it is created in a vertical position and all other requirements of Section 908 are met. (7-1-98)

~~1822.~~ Section 1002.3. Trap arms may not exceed one hundred eighty (180) degrees of horizontal turn without the use of a cleanout. (3-15-02)

Senate Commerce and Human Resources Committee

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.03.04 - RULES GOVERNING THE USE OF THE UNIFORM MECHANICAL CODE

DOCKET NO. 07-0304-0401 - (CHAPTER REPEAL)

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 39-4107(1), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the July 7, 2004 Idaho Administrative Bulletin, Volume 04-7, page 12. This chapter is being repealed in its entirety.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jack Rayne, Building Bureau Chief, 208-332-7151.

DATED this 28th day of July, 2004.

The Following Notice Was Published With The Temporary And Proposed Rule

EFFECTIVE DATE: The effective date of the temporary rule is January 1, 2005.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 39-4107(1), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 21, 2004.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

Senate Commerce and Human Resources Committee

DIVISION OF BUILDING SAFETY
Use of the Uniform Mechanical Code

Docket No. 07-0304-0401
PENDING RULE (Chapter Repeal)

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The temporary and proposed rule repeals IDAPA 07.03.04 – Rules Governing the Use of the Uniform Mechanical Code. As a result of HB 756, references to mechanical codes were moved from Section 39-4109, Idaho Code (Idaho Building Code Act) to Section 54-5001, Idaho Code under the Idaho Heating, Ventilation and Air Conditioning (HVAC) Board.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate to comply with a change in state law that becomes effective January 1, 2005. The changes were made to Section 39-4109, Idaho Code, by House Bill 756.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because changes to Idaho Code necessitate the repeal of the chapter.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Jack Rayne, Building Bureau Chief, 208-332-7151.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 28, 2004.

DATED this 2nd day of June, 2004.

Dave Munroe, Administrator
Division of Building Safety
1090 E. Watertower St.
Meridian, Idaho 83642
Phone: 208-332-7100/Fax: 208-855-2164

IDAPA 07.03.04 IS BEING REPEALED IN ITS ENTIRETY.

Senate Commerce and Human Resources Committee

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.03.07 - RULES GOVERNING THE USE OF THE INTERNATIONAL ENERGY CONSERVATION CODE

DOCKET NO. 07-0307-0401 (CHAPTER REPEAL)

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 39-4107(1), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the August 4, 2004 Idaho Administrative Bulletin, Volume 04-8, page 31. This chapter is repealed in its entirety.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jack Rayne, Building Bureau Chief, 208-332-7151.

DATED this 25th day of August, 2004.

The Following Notice Was Published With The Proposed Rule

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 39-4107(1), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 18, 2004.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and

Senate Commerce and Human Resources Committee

DIVISION OF BUILDING SAFETY
Use of the International Energy Conservation Code

Docket No. 07-0307-0401
PENDING RULE

purpose of the proposed rulemaking:

The proposed rule change repeals IDAPA 07.03.07, “Rules Governing the Use of the International Energy Conservation Code”. This rule change is necessary to eliminate redundant and unnecessary language that makes reference to an energy conservation code that is adopted in Section 39-4109, Idaho Code.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

There are no fees being charged or imposed in this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted. Recent changes to Idaho Code (adopting the energy conservation code) necessitated the repeal of this chapter of rules; consequently, no negotiated rulemaking was conducted.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Jack Rayne, Building Bureau Chief, 208-332-7151.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 25, 2004.

DATED this 30th day of June, 2004.

Dave Munroe, Administrator
Division of Building Safety
1090 E. Watertower St.
Meridian, Idaho 83642
Phone: 208-332-7100/Fax: 208-855-2164

IDAPA 07.03.07 IS BEING REPEALED IN ITS ENTIRETY

Senate Commerce and Human Resources Committee

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.03.09 - RULES GOVERNING MANUFACTURED HOMES - CONSUMER COMPLAINTS - DISPUTE RESOLUTION

DOCKET NO. 07-0309-0401 (NEW CHAPTER)

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 44-2102(4), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed with no changes. The original text of the proposed rule was published in the October 6, 2004, Idaho Administrative Bulletin, Volume 04-10, pages 147 through 150.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jack Rayne, Building Bureau Chief, 208-332-7151.

DATED this 3rd day of November, 2004.

The Following Notice Was Published With The Temporary And Proposed Rule

EFFECTIVE DATE: The effective date of the temporary rule is January 1, 2005.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 44-2102(4), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 20, 2004.

Senate Commerce and Human Resources Committee

DIVISION OF BUILDING SAFETY
Manufactured Home Consumer Complaints/Disputes

Docket No. 07-0309-0401 (New Chapter)
PENDING RULE

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The temporary and proposed rule is necessary to comply with federal mandate 42 U.S.C. 5422(c)(12) as referenced in this year's House Bill 526 and pursuant to Section 44-2102(4), Idaho Code. The rule establishes a dispute resolution program to resolve disputes between manufacturers, retailers and installers of manufactured homes.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The temporary rule is necessary to comply with federal mandate 42 U.S.C. 5422(c)(12) as referenced in this year's House Bill 526 and pursuant to Section 44-2102(4), Idaho Code, which became effective July 1, 2004.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: There are no fees or charges being imposed or increased in this rule.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the temporary and proposed rule is necessary to comply with federal mandate 42 U.S.C. 5422(c)(12) as referenced in this year's House Bill 526 and pursuant to Section 44-2102(4), Idaho Code.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Jack Rayne, Building Bureau Chief, 208-332-7151.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2004.

DATED this 25th day of August, 2004.

Dave Munroe, Administrator
Division of Building Safety
1090 E. Watertower St.
Meridian, Idaho 83642
Phone: 208-332-7100
Fax: 208-855-2164

THE FOLLOWING IS TEXT OF THE PENDING RULE

Senate Commerce and Human Resources Committee

DIVISION OF BUILDING SAFETY
Manufactured Home Consumer Complaints/Disputes

Docket No. 07-0309-0401 (New Chapter)
PENDING RULE

IDAPA 07
TITLE 03
CHAPTER 09

07.03.09 - RULES GOVERNING MANUFACTURED HOMES - CONSUMER COMPLAINTS – DISPUTE RESOLUTION

000. LEGAL AUTHORITY.

The Idaho Manufactured Housing Advisory Board of the Division of Building Safety is authorized under Section 44-2102(4), Idaho Code, to promulgate rules concerning establishment of dispute resolution programs. (1-1-05)T

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 07.03.09, “Rules Governing Manufactured Homes - Consumer Complaints - Dispute Resolution,” Division of Building Safety. (1-1-05)T

02. Scope. These rules establish a program for the timely resolution of disputes between manufacturers, retailers and installers of manufactured homes in order to comply with Federal Housing and Urban Development regulations within 42 U.S.C. 5422(c)(12). (1-1-05)T

002. WRITTEN INTERPRETATIONS.

There are no written statements which pertain to the interpretation of these rules. (1-1-05)T

003. ADMINISTRATIVE APPEALS.

Appeals from decisions of the administrator as provided for herein shall be governed by the Administrative Procedures Act, Title 67, Chapter 52, Idaho Code, and the contested case provisions of the Idaho Rules of Administrative Procedure of the Attorney General, IDAPA 04.11.01. (1-1-05)T

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference into these rules. (1-1-05)T

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

The principal place of business of the Division of Building Safety, Building Bureau is located at 1090 E. Watertower Street, Meridian, Idaho. The office is open from 8:00 a.m. to 5:00 p.m., except Saturday, Sunday, and legal holidays. The mailing address is: Division of Building Safety, 1090 E. Watertower Street, Meridian, Idaho 83642. The office telephone number is (208) 334-3896 and the facsimile number is (208) 855-9399. (1-1-05)T

006. PUBLIC RECORDS ACT COMPLIANCE.

These rules were promulgated in accordance with the Administrative Procedures Act, Title 67, Chapter 52, Idaho Code. These rules are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. (1-1-05)T

Senate Commerce and Human Resources Committee

DIVISION OF BUILDING SAFETY
Manufactured Home Consumer Complaints/Disputes

Docket No. 07-0309-0401 (New Chapter)
PENDING RULE

007. -- 009. (RESERVED).

010. DEFINITIONS.

There are no definitions in this chapter.

(1-1-05)T

011. ABBREVIATIONS.

There are no abbreviations in this chapter.

(1-1-05)T

012 COMPLAINTS.

01. Initial Inquiry. Inquiries concerning complaints may be initiated by the consumer, and directed to the Division of Building Safety, either verbally or in writing.

(1-1-05)T

02. Statute of Limitations. Complaints must be reported within one (1) year following the date of initial home installation. Complaints reported more than one (1) year following the date of initial home installation are not eligible for this dispute resolution process.

(1-1-05)T

03. Procedure. The division may discuss the nature of the complaint with the consumer, seek additional information or clarification, and provide the consumer with information regarding the complaint procedures.

(1-1-05)T

04. Complaint Form. The division will provide the consumer with a consumer complaint form. This form must be completed and returned to the division within thirty (30) days.

(1-1-05)T

013. INVESTIGATION.

01. Site Inspection. The completed consumer complaint form received by the division is reviewed and, based either on the nature of the complaint (serious defect or imminent safety hazard) or upon request of the consumer, manufacturer, installer, or dealer, a site inspection is scheduled.

(1-1-05)T

02. Inspectors. The site inspection may have only the division inspector and consumer present, at the consumer's request, or, if there is a dispute between the manufacturer, installer, or dealer, the inspection will be coordinated to include all involved parties.

(1-1-05)T

03. Costs.

(1-1-05)T

a. A site inspection made upon a consumer's request that involves issues concerning a defect as defined by HUD is conducted at no cost to the consumer.

(1-1-05)T

b. A charge for mileage to and from the inspection site, plus an hourly charge for the time spent conducting the inspection, is assessed the manufacturer, installer, or dealer if a site inspection is made upon a request by the manufacturer, installer, or dealer, and does not involve a serious defect or imminent safety hazard.

(1-1-05)T

Senate Commerce and Human Resources Committee

DIVISION OF BUILDING SAFETY Manufactured Home Consumer Complaints/Disputes

***Docket No. 07-0309-0401 (New Chapter)
PENDING RULE***

04. Inspection Report. Following a site inspection, the inspector will prepare a final report and include copies of any photographs taken. (1-1-05)T

05. Complaint Determination. Based on the complaint investigation, a determination is made as to the nature of the complaint and if follow-up is warranted by the division for action pursuant to HUD guidelines. (1-1-05)T

014. ACTION.

Based on the determination resulting from the complaint investigation, a notification letter and copies of the completed consumer complaint form and investigation findings may be provided to all involved parties and to HUD as required. (1-1-05)T

01. Division Action. If the nature of the complaint requires division action, notification and follow-up are completed according to HUD guidelines. (1-1-05)T

02. License File. If the nature of the complaint pertains to dealer contractual issues or installation problems, a copy of the complaint is given to the manufactured housing section of the division to be consolidated with the appropriate license files. (1-1-05)T

03. Correction or Repair. A division building inspector shall issue a report concerning correction or repair of defects that are a matter of dispute between the homeowner, dealer, installer, or manufacturer. The report will include the likely cause of the defect and identify the party responsible for creating the defect that is in need of correction or repair. (1-1-05)T

015. DECISIONS - APPEALS - INFORMAL DISPOSITION.

01. Decisions. The division administrator will review the inspector's report and enter a decision setting forth the required corrective action and identifying the party to be responsible for such action. The division administrator may initiate a contested case proceeding if the administrator, in his sole discretion, determines that such a proceeding or further investigation would be of assistance in reaching a decision. The decision shall direct the responsible party to complete the required corrective action within specified timelines. In reaching a decision with respect to appropriate timelines in which to complete corrective action, the administrator shall consider the needs of the involved parties including, but not limited to, safety, anticipated expense and availability of funds, time of year, and convenience to the parties. (1-1-05)T

02. Appeals. Decisions of the administrator shall be final orders for purposes of appeal. (1-1-05)T

03. Informal Disposition - Arbitration - Mediation. Unless otherwise prohibited by other provisions of law, informal disposition may be made of any complaint by negotiation, stipulation, agreed settlement, and consent order. The parties may agree to enter into binding arbitration or mediation. Informal settlement of matters is to be encouraged. (1-1-05)T

016. -- 999. (RESERVED).

Senate Commerce and Human Resources Committee

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.03.10 - RULES GOVERNING USE OF THE INTERNATIONAL RESIDENTIAL CODE

DOCKET NO. 07-0310-0401 (CHAPTER REPEAL)

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 39-4107(1), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the August 4, 2004 Idaho Administrative Bulletin, Volume 04-8, page 34. This chapter is repealed in its entirety.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jack Rayne, Building Bureau Chief, 208-332-7151.

DATED this 25th day of August, 2004.

The Following Notice Was Published With The Proposed Rule

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 39-4107(1), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 18, 2004.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and

Senate Commerce and Human Resources Committee

DIVISION OF BUILDING SAFETY
Use of the International Residential Code

Docket No. 07-0310-0401 (Chapter Repeal)
PENDING RULE

purpose of the proposed rulemaking:

The proposed rule change repeals IDAPA 07.03.10, “Rules Governing Use of the International Residential Code”. This rule change is necessary to eliminate redundant and unnecessary language. The referenced residential code is already adopted in Section 39-4109, Idaho Code.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

There are no fees being charged or imposed in this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because Idaho Code adopts the residential code, which necessitates the repeal of the chapter.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Jack Rayne, Building Bureau Chief, 208-332-7151.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 25, 2004.

DATED this 30th day of June, 2004.

Dave Munroe, Administrator
Division of Building Safety
1090 E. Watertower St.
Meridian, Idaho 83642
Phone: 208-332-7100/Fax: 208-855-2164

IDAPA 07.03.10 IS BEING REPEALED IN ITS ENTIRETY

Senate Commerce and Human Resources Committee

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.04.02 - SAFETY RULES FOR ELEVATORS, ESCALATORS, AND MOVING WALKS

DOCKET NO. 07-0402-0401 (NEW CHAPTER)

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 39-8605, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the August 4, 2004 Idaho Administrative Bulletin, Volume 04-8, pages 35 through 37.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Bob Brewton, Program Manager, 208-332-8967.

DATED this 25th day of August, 2004.

The Following Notice Was Published With The Temporary And Proposed Rule

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2004.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 39-8605, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 18, 2004.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

Senate Commerce and Human Resources Committee

DIVISION OF BUILDING SAFETY
Safety Rules for Elevators/Escalators/Moving Walks

Docket No. 07-0402-0401 (New Chapter)
PENDING RULE

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The temporary and proposed rule change is necessary to implement HB 569 in which the responsibility for elevator regulation has been moved from the Industrial Commission to the Division of Building Safety.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate due to the effective date of HB 569.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because changes in Idaho Code require the new administrative rule.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Bob Brewton, Program Manager, 208-332-8967.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 25, 2004.

DATED this 30th day of June, 2004.

Dave Munroe, Administrator
Division of Building Safety
1090 E. Watertower St.
Meridian, Idaho 83642
Phone: 208-332-7100/Fax: 208-855-2164

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

IDAPA 07 **TITLE 04** **CHAPTER 02**

07.04.02 - SAFETY RULES FOR ELEVATORS, ESCALATORS, AND MOVING WALKS

000. LEGAL AUTHORITY.

This chapter is adopted by the administrator of the Division of Building Safety in accordance with Section 39-8605, Idaho Code. (7-1-04)T

Senate Commerce and Human Resources Committee

DIVISION OF BUILDING SAFETY Safety Rules for Elevators/Escalators/Moving Walks

***Docket No. 07-0402-0401 (New Chapter)
PENDING RULE***

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 07.04.02, "Safety Rules for Elevators, Escalators, and Moving Walks". (7-1-04)T

02. Scope. These rules govern the design, construction, installation, operation, inspection, testing, maintenance, alteration, or repair of elevators, escalators, moving walks, platform lifts, material lifts, and dumbwaiters. (7-1-04)T

002. WRITTEN INTERPRETATIONS.

There are no written statements which pertain to the interpretation of these rules. (7-1-04)T

003. ADMINISTRATIVE APPEALS.

There are no administrative appeals provided for herein. (7-1-04)T

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference into these rules. (7-1-04)T

005. DIVISION OFFICE INFORMATION.

01. Office Hours. The office is open from 8 a.m. until 5 p.m. daily, except Saturday, Sunday, and legal holidays. (7-1-04)T

02. Street Address. The office is located at 1090 E. Watertower Street, Meridian, Idaho. (7-1-04)T

03. Mailing Address. The office mailing address is Division of Building Safety, 1090 E. Watertower Street, Meridian, Idaho 83642. (7-1-04)T

04. Telephone Number. The office telephone number is (208) 334-3950. (7-1-04)T

05. Facsimile Number. The office facsimile number is (208) 855-9494. (7-1-04)T

06. Internet Address. The Division's Internet website address is <http://www2.state.id.us/dbs/>. (7-1-04)T

006. PUBLIC RECORDS ACT COMPLIANCE.

Division records are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. (7-1-04)T

007. -- 009. (RESERVED).

010. DEFINITIONS.

01. Act. The Elevator Safety Code Act, Title 39, Chapter 86, Idaho Code. (7-1-04)T

02. Administrator. The administrator of the Division of Building Safety. (7-1-04)T

Senate Commerce and Human Resources Committee

DIVISION OF BUILDING SAFETY
Safety Rules for Elevators/Escalators/Moving Walks

Docket No. 07-0402-0401 (New Chapter)
PENDING RULE

03. Division. The Division of Building Safety. (7-1-04)T

011. INSPECTION REQUIREMENTS.

Before a required inspection may take place: (7-1-04)T

01. Access. All machine rooms and spaces shall be free of dirt and debris and any obstacles to access must be removed. (7-1-04)T

02. Technician on Site. An elevator technician and fire alarm technician must be present on site to restore elevator and fire alarm systems. (7-1-04)T

03. Installation. The elevator installation must be complete and safe for inspection. (7-1-04)T

012. APPROVAL OF NEW OR ALTERNATIVE TECHNOLOGY.

01. Administrator Approval Required. If, due to construction or technological impediments, an elevator or conveyance cannot comply with applicable code requirements, approval of new or alternative construction or technology may be requested from the administrator. (7-1-04)T

02. Approval Required Prior to Construction. Approval of new or alternative technology must be obtained from the administrator before construction is commenced. (7-1-04)T

03. Submission Deadline. Details of the proposed construction or technology, including design, material specifications and calculations, and such other information as may be requested, shall be submitted to the administrator at least thirty (30) days in advance of the anticipated construction start date. (7-1-04)T

a. The manufacturer of the new product or system shall provide the administrator with engineering and test data demonstrating that the proposed technology is safe for the intended purpose. (7-1-04)T

b. The owner of the new product or system shall provide the administrator with a document in which the owner acknowledges that the proposed technology is not governed by the applicable safety code and assures the administrator that, at such time as the code is revised to include the product or system, the owner shall modify the product or system to bring it into compliance. The owner shall assure the administrator that if the product or system cannot be modified or altered to bring it into compliance with the applicable code it will be removed and replaced with code-compliant equipment. (7-1-04)T

c. The manufacturer of the new product or system shall provide Division personnel with training about the proposed technology and any related products or systems at no cost to the Division. (7-1-04)T

04. Engineer Approval. The information provided in compliance with the foregoing requirements shall be approved by a registered professional engineer experienced in elevator or

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conveyance design prior to submission to the administrator.

(7-1-04)T

013. -- 999. (RESERVED.)

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IDAPA 07 - DIVISION OF BUILDING SAFETY

07.05.01 - RULES OF THE PUBLIC WORKS CONTRACTORS BOARD

DOCKET NO. 07-0501-0401

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 54-1904 and 54-1907, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the June 2, 2004 Idaho Administrative Bulletin, Volume 04-6, pages 17 through 28.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Nancy Michael, Program Manager, 208-332-8968.

DATED this 30th day of June, 2004.

The Following Notice Was Published With The Temporary And Proposed Rule

EFFECTIVE DATE: The effective date of the temporary rule is April 12, 2004.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Sections 54-1904 and 54-1907, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than June 16, 2004.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

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DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking: The proposed rule change is necessary to implement revisions to the various categories of specialty construction that are recognized within the public works construction industry. These definitions replace those that were utilized previously and not included in administrative rule.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(b) and 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: This rule change is necessary to protect the public safety and to comply with requirements in Section 54-1904, Idaho Code.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the changes are required to comply with Section 54-1904, Idaho Code.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Nancy Michael, Program Manager, 332-8968.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 23, 2004.

DATED this 5th day of May, 2004.

Dave Munroe, Administrator
Division of Building Safety
1090 E. Watertower St.
Meridian, Idaho 83642
Phone: 208-332-7100/Fax: 208-855-2164

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

112. -- 1998. (RESERVED).

~~200199.~~LIMITATIONS.

01. One License. A licensee will be permitted to hold only one (1) class of license at any given time. (3-20-04)

02. Previous License Null and Void. When a licensee of one class has been issued a license of another class, the previous license shall be null and void. (3-20-04)

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03. Total Bid Cost. The total of any single bid on a given public works project, or the aggregate total of any split bids, or the aggregate total of any base bid and any alternate bid items, or the aggregate total of any separate bid by a licensee of any class, except class AAA, shall not exceed the estimated cost or bid limit of the class of license held by the licensee. The aggregate total of bids shall include all bids of the subcontractors. Subcontractor bids shall not be considered a separate bid for the purposes of computing the bid on a given public works project. (3-20-04)

04. Two Or More Licensees. Two (2) or more licensees of the same class or of different classes shall not be permitted to combine the estimated cost or bid limit of their licenses to submit a bid in excess of the license held by either licensee. (3-20-04)

05. Type 4 License Holder. The holder of a license for Type 4, Specialty Construction, shall be entitled to bid a public works project as a prime contractor or as a subcontractor, if more than fifty percent (50%) of the work to be performed by him on such project is covered by a category or categories listed on the license held by the licensee. (3-20-04)

200. TYPE 4-SPECIALTY CONSTRUCTION CATEGORIES.

A license for Type 4-Specialty Construction shall list one (1) or more specialty construction categories to which the license is restricted. Categories and their definitions are: (4-12-04)T

01. 01107 Engineering. A specialty contractor whose primary business includes providing engineering and design services such as civil, electrical, mechanical, and structural. (4-12-04)T

02. 01541 Scaffolding and Shoring. A specialty contractor whose primary business is the installation of any temporary elevated platform and its supporting structure used for supporting workmen or materials or both, and props or posts of timber or other material in compression used for the temporary support of excavations, formwork or unsafe structures; the process of erecting shoring. (4-12-04)T

03. 01542 Craning and Erection. A specialty contractor whose primary business includes the art, ability and skill to safely control the workings of a crane in such a manner that building materials, supplies, equipment and structural work can be raised and set in a final position. (4-12-04)T

04. 01550 Construction Zone Traffic Control. A specialty contractor whose primary business is the installation or removal of temporary lane closures, flagging or traffic diversions, utilizing pilot cars, portable devices such as cones, delineators, barricades, sign stands, flashing beacons, flashing arrow trailers, and changeable message signs on roadways, public streets and highways or public conveyances. (4-12-04)T

05. 01570 Temporary Erosion and Sediment Controls. A specialty contractor whose primary business includes the ability and expertise to install silt fencing or other similar devices to prevent erosion and contain silt. (4-12-04)T

06. 02110 Excavation, Removal and Handling of Hazardous Material. A specialty contractor whose primary business includes the excavation and removal of toxic and hazardous site materials. Contractors must be properly licensed and certified if required. (4-12-04)T

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07. 02115 Removal of Underground Storage Tanks. A specialty contractor whose primary business includes, but is not limited to, the excavation, removal, cleanup, and disposal of underground storage tanks that have contained petrochemical type fuels. This work should include the sampling and testing of surrounding materials and filing of closure documents.

(4-12-04)T

08. 02195 Environmental Remediation, Restoration and Soil Stabilization. A specialty contractor whose primary business is the remediation and restoration of contaminated environmental sites.

(4-12-04)T

09. 02210 Drilling. A specialty contractor whose primary business includes practical elementary knowledge of geology and hydrology; the art, ability, knowledge, science and expertise to bore, drill, excavate, case, pack or cement by use of standard practices, including the use of diamond bits, cable tools, percussion, air percussion, rotary, air rotary, reverse circulation rotary methods or jetting.

(4-12-04)T

10. 02220 Demolition. A specialty contractor whose primary business includes the ability and expertise to demolish all types of buildings or structures and to remove all of such buildings or structures from the premises, and maintain the premises surrounding demolition site safely for passing public.

(4-12-04)T

11. 02230 Site Clearing. A specialty contractor whose primary business includes the ability and expertise to remove and dispose of all trees, brush, shrubs, logs, windfalls, stumps, roots, debris and other obstacles in preparation for excavation of a construction site or other uses.

(4-12-04)T

12. 02231 Logging. A specialty contractor whose primary business and expertise includes the clearing, cutting, removal and transportation of logs and trees and the construction of temporary roads and structures for such operations along with any reclamation work associated with such operations.

(4-12-04)T

13. 02232 Tree Removal and Trimming. A specialty contractor whose primary business includes pruning, removal, and/or guying of trees, limbs, stumps, and bushes including grinding and removal of such items.

(4-12-04)T

14. 02240 Dewatering and Subsurface Drainage. A specialty contractor whose primary business is to control the level and flow of subsurface water.

(4-12-04)T

15. 02260 Earth Retention Systems, Mechanical Stabilized Earth Walls and Retaining Walls. A specialty contractor whose primary business includes the building of earth retention systems, mechanical stabilized earth walls and retaining walls.

(4-12-04)T

16. 02265 Slurry Walls. A specialty contractor whose primary business is the construction of below ground structural diaphragm walls or containment walls through the combined use of trench excavation, mud slurry and tremie concrete.

(4-12-04)T

17. 02270 Rockfall Mitigation and High Scaling. A specialty contractor whose

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primary business is rockfall mitigation and high scaling. (4-12-04)T

18. 02310 Excavation and Grading. A specialty contractor whose primary business includes such work as digging, moving and placing material forming the surface of the earth in such manner that a cut, fill, excavation and any similar excavating operation can be done with the use of hand and power tools and machines that are used to dig, move and place that material forming the earth's surface. (4-12-04)T

19. 02312 Dust Control, Dust Abatement and Dust Oiling. A specialty contractor whose primary business is dust control, dust abatement and dust oiling. (4-12-04)T

20. 02317 Rock Trenching. A specialty contractor whose primary business is rock trenching. (4-12-04)T

21. 02318 Hauling. A specialty contractor whose primary business includes the ability and expertise to obtain or move specified materials by transportation in a vehicle. (4-12-04)T

22. 02319 Blasting. A specialty contractor whose primary business includes the use of conventional and high explosives for pre-splitting, surface, underground and underwater blasting, drill, trench, or excavate for use of explosives; priming and loading drilled, trenched or excavated areas by pipe tamping, pneumatic loading, injector loading, mud capping, slurry loading, combination of pneumatic and injector loading or hand loading; use of volt, ohms and milliampere meter (VOM) in testing blasting machine output voltage, power line voltage, measuring electric blasting cap or blasting circuit resistance, testing for current leakage, testing for AC-DC stray current and voltage, leading wires for open or short circuits, rack bar blasting machine for running short or galvanometer output voltage; use of blasting caps, electric blasting caps, delay electric blasting caps, primacord and all other detonating devices. (4-12-04)T

23. 02325 Dredging. A specialty contractor whose primary business includes the excavation or removal of earth, rock, silt, or sediment from bodies of water including but not limited to streams, lakes, rivers or bays by means of specialized equipment. (4-12-04)T

24. 02404 Horizontal and Directional Earth Boring, Trenching and Tunneling. A specialty contractor whose primary business and expertise includes boring, trenching or tunneling. (4-12-04)T

25. 02450 Drilled Piers, Pile Driving, Caisson Drilling, Geopier and Helical Piers. A specialty contractor whose primary business includes drilling piers, pile driving, caisson drilling, Geopier and helical piers. (4-12-04)T

26. 02500 Utilities. A specialty contractor whose primary business includes the construction and installation of pipe lines for the transmission of sewage, gas and water, including minor facilities incidental thereto; installation of electrical poles, towers, arms, transformers, fixtures, conduits, conductors, switch gear, grounding devices, panels, appliances and apparatus installed outside of buildings; including excavating, trenching, grading, back fill, asphalt patching as well as all necessary work and installation of appurtenances in connection therewith. (4-12-04)T

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27. 02520 Well Drilling. A specialty contractor whose primary business includes the practical elementary knowledge of geology, hydrology, the occurrence of water in the ground, water levels in wells, the prevention of surface and sub-surface contamination and pollution of the ground water supply; and the art, ability, experience, knowledge, science, and expertise to bore, drill, excavate, case, screen, cement, clean and repair water wells; or to do any or any combination of any or all such boring, drilling, excavating, casing, cementing, cleaning and repairing with hand or power tools or rigs, including the installation and repair of pumps. (4-12-04)T

28. 02580 Installation of Communication Towers. A specialty contractor whose primary business and expertise is the installation of communication towers. (4-12-04)T

29. 02660 Membrane Liners For Ponds and Reservoirs. A specialty contractor whose primary business includes the installation of liners for the purpose of containment of liquids. (4-12-04)T

30. 02720 Crushing. A specialty contractor whose primary business includes the ability and expertise to reduce rocks and aggregates to a smaller and uniform size and gradation to meet an agreed specification. (4-12-04)T

31. 02740 Asphalt Paving. A specialty contractor whose primary business includes the installation of aggregate base course, cement treated base, bitumen treated base, asphalt concrete and the application of asphalt surfacing and surface repairs of streets, intersections, driveways, parking lots, tennis courts, running tracks, play areas; including the application or installation of primer coat, asphalt binder course, tack coating, seal coating and chips, slurry seal and chips, flush or flog coats, asphalt curbs, concrete bumper curbs, redwood headers, asphalt surface binder emulsion, asbestos and sand and acrylic color systems. (Synthetic and athletic surfacing are category 02790 Athletic and Recreational Surfaces.) Also includes crack sealing, asphalt maintenance repair and soil pulverization. (4-12-04)T

32. 02761 Traffic Marking and Striping. A specialty contractor whose primary business includes the art, ability and expertise to apply markings to streets, roadways, or parking surfaces pre-designed for the use of parking or passage of vehicles by the application of directional lines, buttons, markers, and signs made of but not limited to plastic, paint, epoxies and rubber, in such manner as to provide for the channeling and controlling of the traffic flow. Also includes temporary striping. (4-12-04)T

33. 02785 Asphalt Maintenance and Repair, Seal Coating, Crack Sealing and Chip Sealing. A specialty contractor whose primary business is asphalt maintenance and repair, seal coating, crack sealing and chip sealing. (4-12-04)T

34. 02790 Athletic and Recreational Surfaces. A specialty contractor whose primary business is the installation of specialty surfaces including but not limited to non-wood athletic floors, tennis courts, running tracks and artificial turf. This would include any subsurface preparation such as leveling, excavation, fill and compaction or grading. The application of surfacing, mixing, spreading or placing of emulsions, binders, sand and acrylic color systems is also included along with the installation of modular, plastic athletic floors such as "Sport Court" type floors. This category does not include any type of structure required for the installation of these surfaces. (4-12-04)T

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35. 02810 Sprinkler and Irrigation Systems. A specialty contractor whose primary business includes the installation of types and kinds of water distribution systems for complete artificial water or irrigation of gardens, lawns, shrubs, vines, bushes, trees and other vegetation, including the trenching, excavating and backfilling in connection therewith. (Low voltage only.)
(4-12-04)T

36. 02820 Fencing. A specialty contractor whose primary business includes the installation and repair of any type of fencing.
(4-12-04)T

37. 02840 Guardrails and Safety Barriers. A specialty contractor whose primary business includes the installation of guardrails and safety barriers (including cattle guards).
(4-12-04)T

38. 02850 Bridges and Structures. A specialty contractor whose primary business includes the installation, alteration and repair of bridges and related structures, including culverts.
(4-12-04)T

39. 02855 Bridge Crossings and Box Culverts. A specialty contractor whose primary business is the installation and/or construction of any bridge or crossing structure shorter than 20 feet measured on the centerline of the roadway or trail.
(4-12-04)T

40. 02880 Installation of School Playground Equipment. A specialty contractor whose primary business is the installation of school playground equipment.
(4-12-04)T

41. 02890 Traffic Signs and Signals. A specialty contractor whose primary business includes the art, ability, knowledge, experience, science and expertise to fabricate, install and erect signs, including electrical signs and including the wiring of such signs. A licensed electrician must perform all the electrical work.
(4-12-04)T

42. 02900 Landscaping, Seeding and Mulching. A specialty contractor whose primary business includes the preparation of plots of land for architectural, horticulture and provisions of decorative treatment and arrangement of gardens, lawns, shrubs, vines, bushes, trees and other decorative vegetation; construction of conservatories, hot and green houses, drainage and sprinkler systems, and ornamental pools, tanks, fountains, walls, fences and walks, arrange, fabricate and place garden furniture, statuary and monuments in connection therewith.
(4-12-04)T

43. 02910 Slope Stabilization, Hydroseeding, Hydromulching, Native Plant Revegetation For Erosion Control. A specialty contractor whose primary business is slope stabilization, including necessary tillage and plant bed preparation using hydroseeding, hydromulching and native plant revegetation for erosion control.
(4-12-04)T

44. 02935 Landscape Maintenance. A specialty contractor whose primary business and expertise includes the maintenance of existing lawns, gardens, and sprinkler systems. This would include mowing, weeding, fertilization, pest control and minor repair or relocation of sprinkler systems.
(4-12-04)T

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45. 02937 Pest Control, Sterilization and Herbicide Applications. A specialty contractor whose primary business includes the mixing, transportation and application of fertilizers, pesticides, herbicides, and sterilization chemicals for the control of insects, pests and weeds. (4-12-04)T

46. 02955 Pipeline Cleaning, Sealing, Lining and Bursting. A specialty contractor whose primary business and expertise includes cleaning, sealing, lining and bursting pipelines. (4-12-04)T

47. 02965 Cold Milling, Rumble Strip Milling, Asphalt Reclaiming and Pavement Surface Grinding. A specialty contractor whose primary business includes cold milling, rumble strip milling, asphalt reclaiming and pavement surface grinding. (4-12-04)T

48. 02990 Structural Moving. A specialty contractor whose primary business includes but is not limited to raising, lowering, cribbing, underpinning and moving of buildings or structures. This does not include the alterations, additions, repairs or rehabilitation of the retained portion of the structure. (4-12-04)T

49. 03200 Concrete Reinforcing Rebar Installation. A specialty contractor whose primary business includes the ability and expertise to fabricate, place and tie steel mesh or steel reinforcing bars or rods of any profile, perimeter or cross-section that are or may be used to reinforce concrete. (4-12-04)T

50. 03300 Concrete. A specialty contractor whose primary business includes the ability and expertise to process, proportion, batch and mix aggregates consisting of sand, gravel, crushed rock or other inert materials having clean uncoated grains of strong and durable minerals, cement and water or to do any part or any combination of any thereof, in such a manner that acceptable mass, pavement, flat and other cement and concrete work can be poured, placed, finished and installed, including the placing, forming and setting of screeds for pavement or flat work. Also includes concrete sidewalks, driveways, curbs and gutters. (4-12-04)T

51. 03370 Specially Placed Concrete, Concrete Pumping and Shotcreting. A specialty contractor whose primary business includes the ability and equipment necessary to deliver and install concrete, and similar materials to their final destination in buildings and structures. (4-12-04)T

52. 03380 Post-Tensioned Concrete Structures Or Structural Members. A specialty contractor whose primary business is the post-tensioning of structural elements using sleeved tendons of high-strength prestressing steel. (4-12-04)T

53. 03500 Gypcrete. A specialty contractor whose primary business includes the ability and expertise to mix and apply gypsum concrete. (4-12-04)T

54. 03600 Concrete Grouting. A specialty contractor whose primary business includes the ability and the equipment necessary to place concrete grouts. Concrete grouts are thin, fluid, shrink resistant, mortar-like materials used for filling joints and cavities and setting and anchoring items in masonry and concrete. (4-12-04)T

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55. 03650 Pressure Grouting and Slab Jacking. A specialty contractor whose primary business includes pressure foundation grouting and jacking and the injection of concrete or mortar into foundations for stabilization. (4-12-04)T

56. 03900 Concrete Demolition, Concrete Sawing and Cutting, Core Drilling, Joint Sealing and Hydrocutting. A specialty contractor whose primary business includes concrete cutting, drilling, sawing, cracking, breaking, chipping or removal of concrete. This category also includes the caulking or sealing of joints or cracks caused by such operations. (4-12-04)T

57. 04000 Masonry. A specialty contractor whose primary business includes the installation with or without the use of mortar or adhesives of brick, concrete block, adobe units, gypsum partition tile, pumice block or other lightweight and facsimile units and products common to the masonry industry. (4-12-04)T

58. 04900 Chemical Cleaning and Masonry Restoration. A specialty contractor whose primary business includes the cleaning or restoration of masonry through the use of chemicals, pressure washing, sand blasting or other methods. (4-12-04)T

59. 05090 Welding. A specialty contractor whose primary business causes metal to become permanently attached, joined and fabricated by the use of gases or electrical energy, developing sufficient heat to create molten metal, fusing the elements together. (4-12-04)T

60. 05100 Steel Fabrication, Erection and Installation. A specialty contractor whose primary business includes the ability and expertise to fabricate, place and tie steel reinforcing bars, erect structural steel shapes and plates, of any profile, perimeter or cross-section, that are or may be used to reinforce concrete or as structural members for buildings and structures, including riveting, welding and rigging only in connection therewith, in such a manner that steel reinforcing and structural work can be fabricated and erected. (4-12-04)T

61. 05700 Ornamental Metals. A specialty contractor whose primary business includes the art, ability, experience, knowledge, science and expertise to assemble, case, cut, shape, stamp, forage, fabricate and install sheet, rolled and cast, brass, bronze, copper, cast iron, wrought iron, monel metal, stainless steel, and any other metal or any combination thereof, as have been or are now used in the building and construction industry for the architectural treatment and ornamental decoration of buildings and structures, in such a manner that, under an agreed specification, acceptable ornamental metal work can be executed, fabricated and installed; but shall not include the work of a sheet metal contractor. (4-12-04)T

62. 05830 Bridge Expansion Joints and Repair. A specialty contractor whose primary business and expertise is the repair of bridge expansion joints. (4-12-04)T

63. 06100 Carpentry, Framing and Remodeling. A specialty contractor whose primary business includes the placing and erection of floor systems, walls, sheeting, siding, trusses, roof decking of either wood or light gauge metal framing. This contractor also installs finish items such as running trim, sashes, doors, casing, cabinets, cases and other pre-manufactured finished items. (4-12-04)T

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64. 06130 Log and Heavy Timber Construction. A specialty contractor whose primary business includes the ability and expertise to build and erect log or heavy timber structures. (4-12-04)T

65. 06139 Docks - Log and Wood Structures. A specialty contractor whose primary business includes the ability and expertise to construct log and wood structured docks. (4-12-04)T

66. 06200 Finish Carpentry and Millwork. A specialty contractor whose primary business includes the art, ability, experience, knowledge, science and expertise to cut, surface, join, stick, glue and frame wood and wood products, in such a manner that, under an agreed specification, acceptable cabinet, case, sash, door, trim, nonbearing partition, and such other mill products as are by custom and usage accepted in the building and construction industry as millwork and fixtures, can be executed; including the placing, erecting, fabricating and finishing in buildings, structures and elsewhere of such millwork and fixtures or to do any part or any combination of any thereof. (4-12-04)T

67. 07100 Waterproofing and Dampproofing. A specialty contractor whose primary business includes the ability and expertise to apply waterproofing membranes, coatings of rubber, latex, asphaltum, pitch, tar or other materials or any combination of these materials, to surfaces to prevent, hold, keep and stop water, air or steam from penetrating and passing such materials, thereby keeping moisture from gaining access to material or space beyond such waterproofing. (4-12-04)T

68. 07200 Thermal Insulation. A specialty contractor whose primary business includes the installation of any insulating media in buildings and structures for the purpose of temperature control. (4-12-04)T

69. 07240 Stucco and Exterior Insulation Finish Systems (EIFS). A specialty contractor whose primary business includes the ability and expertise to install Stucco and EIFS. (4-12-04)T

70. 07400 Roofing and Siding. A specialty contractor whose primary business includes the ability and expertise to examine surfaces and to bring such surfaces to a condition where asphaltum, pitch, tar, felt, flax, shakes, shingles, roof tile, slate and any other material or materials or any combination thereof, that use and custom has established as usable for, or which material or materials are now used as, such waterproof, weatherproof or watertight seal for such membranes, roof and surfaces; but shall not include a contractor whose sole contracting business is the installation of devices or stripping for the internal control of external weather conditions. (4-12-04)T

71. 07450 Siding and Decking. A specialty contractor whose primary business includes the application or installation of exterior siding, decking or gutters including wood, wood products, vinyl, aluminum and metal to new or existing buildings and includes wooden decks and related handrails. (This category does not include the construction or installation of covers or enclosures of any kind.) (4-12-04)T

72. 07700 Sheet Metal Flashings, Roof Specialties and Accessories. A specialty

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contractor whose primary business includes the art, ability, experience, knowledge, science and expertise to select, cut, shape, fabricate and install sheet metal such as cornices, flashings, gutters, leaders, rainwater down spouts, pans, etc., or to do any part or any combination thereof, in such a manner that sheet metal work can be executed, fabricated and installed. (4-12-04)T

73. 07800 Sprayed On Fireproofing. A specialty contractor whose primary business includes the mixing, transportation, and installation of fire proofing materials for buildings and structures. (4-12-04)T

74. 07920 Caulking and Joint Sealants. A specialty contractor whose primary business includes the ability and expertise for installation of elastomeric and rigid joint sealants, caulking compounds, and related accessories. (4-12-04)T

75. 08100 Doors, Gates, Specialty Doors and Activating Devices. A specialty contractor whose primary business is the installation, modification or repair of residential, commercial or industrial doors and door hardware. This includes but is not necessarily limited to wood, metal clad or hollow metal, glass, automatic, revolving, folding and sliding doors, power activated gates, or movable sun shades/shutters. Card activated equipment and other access control devices and any low voltage electronic or manually operated door hardware devices are also a part of this category. (4-12-04)T

76. 08500 Windows, Glass and Glazing. A specialty contractor whose primary business includes the art, ability, experience, knowledge and expertise to select, cut, assemble and install all makes and kinds of glass and glass work, and execute the glazing of frames, panels, sash and doors, in such a manner that under an agreed specification, acceptable glass work and glazing can be executed, fabricated and installed, and may include the fabrication or installation in any building or structure of frames, glazed-in panels, sash or doors, upon or within which such frames, glazed-in panels, sash or doors, such glass work or glazing has been or can be executed or installed. (4-12-04)T

77. 09110 Steel Stud Framing. A specialty contractor whose primary business includes the ability and expertise to build or assemble steel stud framing systems. (4-12-04)T

78. 09200 Lath and Plaster. A specialty contractor whose primary business includes the ability and expertise to prepare mixtures of sand, gypsum, plaster, quick-lime or hydrated lime and water or sand and cement and water or a combination of such other materials as create a permanent surface coating; including coloring for same and to apply such mixtures by use of a plaster's trowel, brush or spray gun to any surface which offers a mechanical key for the support of such mixture or to which such mixture will adhere by suction; and to apply wood or metal lath or any other materials which provide a key or suction base for the support of plaster coatings; including the light gauge metal shapes for the support of metal or other fire proof lath. Includes metal stud framing. (4-12-04)T

79. 09250 Drywall. A specialty contractor whose primary business includes the ability and expertise to install unfinished and prefinished gypsum board on wood and metal framing and on solid substates; gypsum and cementitious backing board for other finishes; accessories and trim; and joint taping and finishing. (4-12-04)T

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80. 09300 Tile and Terrazzo. A specialty contractor whose primary business includes the ability and expertise to examine surfaces and bring such surfaces to a condition where acceptable work can be executed and fabricated thereon by the setting of chips or marble, stone, tile or other material in a pattern with the use of cement, and to grind or polish the same.

(4-12-04)T

81. 09500 Acoustical Treatment. A specialty contractor whose primary business includes the installation, application, alteration and repair of all types of acoustical systems, to include acoustical ceilings, wall panels, sound control blocks and curtains, hangers, clips, inserts, nails, staples, related hardware and adhesive, lightweight framing systems and related accessories (electrical excluded), installation and repair of gypsum wall board, painting, accessories, taping and texturing.

(4-12-04)T

82. 09600 Flooring. A specialty contractor whose primary business includes the ability and expertise to examine surfaces, specify and execute the preliminary and preparatory work necessary for the installation of flooring, wherever installed, including wood floors and flooring (including the selection, cutting, laying, finishing, repairing, scraping, sanding, filling, staining, shellacking and waxing) and all flooring of any nature either developed as or established through custom and usage as flooring.

(4-12-04)T

83. 09680 Floor Covering and Carpeting. A specialty contractor whose primary business includes the installation, replacement and repair of floor covering materials, including laminates and including preparation of surface to be covered, using tools and accessories and industry accepted procedures of the craft.

(4-12-04)T

84. 09900 Painting and Decorating. A specialty contractor whose primary business includes the ability and expertise to examine surfaces and execute the preliminary and preparatory work necessary to bring such surfaces to a condition where acceptable work can be executed thereon with the use of paints, varnishes, shellacs, stains, waxes, paper, oilcloth, fabrics, plastics and any other vehicles, mediums and materials that may be mixed, used and applied to the surface of buildings, and the appurtenances thereto, of every description in their natural condition or constructed of any material or materials whatsoever that can be painted or hung as are by custom and usage accepted in the building and construction industry as painting and decorating.

(4-12-04)T

85. 09950 Sand Blasting. A specialty contractor whose primary business includes the ability and expertise to sand blast surfaces through the use of equipment designed to clean, grind, cut or decorate surfaces with a blast of sand or other abrasive applied to such surfaces with steam or compressed air.

(4-12-04)T

86. 09960 Specialty Coatings. A specialty contractor whose primary business includes the surface preparation and installation of specialty coatings.

(4-12-04)T

87. 10150 Institutional Equipment. A specialty contractor whose primary business includes the installation, maintenance and repair of booths, shelves, laboratory equipment, food service equipment, toilet partitions, and such other equipment and materials as are by custom and usage accepted in the construction industry as institutional equipment.

(4-12-04)T

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88. 10270 Raised Access Flooring. A specialty contractor whose primary business includes the installation of wood or metal-framed elevated computer-flooring systems. This does not include the structural floor on which the computer floor is supported or mezzanines.

(4-12-04)T

89. 10445 Non-Electrical Signs. A specialty contractor whose primary business includes the installation of all types of non-electrical signs, including but not limited to traffic delineators, mile post markers, post or pole supported signs, signs attached to structures, painted wall signs, and modifications to existing signs.

(4-12-04)T

90. 11001 Specialty Machinery and Equipment Installation and Servicing. A specialty contractor whose primary business is the installation, removal, modification or repair of pumps, water and waste water equipment, conveyors, cranes, dock levelers, various hoisting and material handling equipment, trash compactors and weighing scales installation and servicing. This does not include the construction of buildings and/or roof structures for this equipment.

(4-12-04)T

91. 11140 Petroleum and Vehicle Service Equipment, Installation and Repair. A specialty contractor whose primary business includes the installation and repair of underground fuel storage tanks used for dispensing gasoline, diesel, oil or kerosene fuels. This includes installation of all incidental tank-related piping, leak line detectors, vapor recovery lines, vapor probes, low voltage electrical work, associated calibration, testing and adjustment of leak detection and vapor recovery equipment, and in-station diagnostics. This contractor may also install auto hoisting equipment, grease racks, compressors, air hoses and other equipment related to service stations.

(4-12-04)T

92. 11200 Water/Wastewater and Chemical Treatment. A specialty contractor whose primary business is the supply, installation and operational startup of equipment and chemicals for chemical treatment of water, wastewater or other liquid systems.

(4-12-04)T

93. 11485 Climbing Wall Structures and Products. A specialty contractor whose primary business includes the ability and expertise to design, fabricate and install climbing wall structures and equipment. This does not include concrete foundations or buildings in which the climbing walls may be supported or housed.

(4-12-04)T

94. 12011 Prefabricated Equipment and Furnishings. A specialty contractor whose primary business includes the installation of prefabricated products or equipment including but not limited to the following: theater stage equipment, school classroom equipment, bleachers or seats, store fixtures, display cases, toilet or shower room partitions or accessories, closet systems, dust collecting systems, appliances, bus stop shelters, telephone booths, sound or clean rooms, refrigerated boxes, office furniture, all types of pre-finished, pre-wired components, detention equipment and other such equipment and materials as are by custom and usage accepted in the construction industry as prefabricated equipment.

(4-12-04)T

95. 12490 Window, Wall Coverings, Drapes and Blinds. A specialty contractor whose primary business includes the installation of decorative, architectural or functional window glass treatments or covering products or treatments for temperature control or as a screening device.

(4-12-04)T

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96. 13110 Cathodic Protection. A specialty contractor whose primary business is the prevention of corrosion by using special cathodes and anodes to circumvent corrosive damage by electric current. (4-12-04)T

97. 13121 Pre-Manufactured Components and Modular Structures. A specialty contractor whose primary business includes the moving, setup, alteration or repair of pre-manufactured components, houses or similar modular structures. (4-12-04)T

98. 13125 Pre-Engineered Building Kits. A specialty contractor whose primary business includes the assembly of pre-engineered building kits or structures obtained from a single source. This category is limited to assembly only of pre-engineered metal buildings, pole buildings, sunrooms, geodesic structures, aluminum domes, air supported structures, manufactured built greenhouses or similar structures. This does not include any other categories such as concrete foundations, carpentry, plumbing, heating or cooling, or electrical work. (4-12-04)T

99. 13150 Swimming Pools and Spas. A specialty contractor whose primary business includes the ability to construct swimming pools, spas or hot tubs including excavation and backfill of material, installation of concrete, Gunite, tile, pavers or other special materials used in pool construction. This category shall also include the installation of heating and filtration equipment, using those trades or skills necessary for installing the equipment, which may require other licenses including electrical and plumbing. (4-12-04)T

100. 13165 Aquatic Recreational Equipment. A specialty contractor whose primary business includes the ability and expertise to design, fabricate and erect water slides and water park equipment and structures. This does not include any other categories such as concrete foundations, carpentry, plumbing, heating, cooling or electrical work. (4-12-04)T

101. 13201 Circular Prestressed Concrete Storage Tanks (Liquid and Bulk). A specialty contractor whose primary business is the construction of circular prestressed concrete structures post-tensioned with circumferential tendons or wrapped circular prestressing. (4-12-04)T

102. 13280 Hazardous Material Remediation. A specialty contractor whose primary business includes the ability and expertise to safely encapsulate, remove, handle or dispose of hazardous materials within buildings, including but not limited to asbestos, lead and chemicals. Contractors must be properly licensed and certified. (4-12-04)T

103. 13290 Radon Mitigation. A specialty contractor whose primary business and expertise includes the detection and mitigation of Radon gas. (4-12-04)T

104. 13800 Instrumentation and Controls. A specialty contractor whose primary business includes the installation, alteration or repair of instrumentation and control systems used to integrate equipment, sensors, monitors' controls and mechanical operators for industrial processes, building equipment, mechanical devices and related equipment. (4-12-04)T

105. 13850 Alarm Systems. A specialty contractor whose primary business includes

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the installation, alteration and repair of communication and alarm systems, including the mechanical apparatus, devices, piping and equipment appurtenant thereto (except electrical).

(4-12-04)T

106. 13930 Fire Suppression Systems (Wet and Dry-Pipe Sprinklers). A specialty contractor whose primary business includes the ability and expertise to lay out, fabricate and install approved types of Wet-Pipe and Dry-Pipe fire suppression systems, charged with water, including all mechanical apparatus, devices, piping and equipment appurtenant thereto. Licensure with State Fire Marshal is required.

(4-12-04)T

107. 13970 Fire Extinguisher and Fire Suppression Systems. A specialty contractor whose primary business is the installation of pre-engineered or pre-manufactured fixed chemical extinguishing systems primarily used for protecting kitchen-cooking equipment and electrical devices. Contractor also furnishes, installs and maintains portable fire extinguishers.

(4-12-04)T

108. 14200 Elevators, Lifts and Hoists. A specialty contractor whose primary business includes the ability to safely and efficiently install, service and repair all elevators, lifts, hoists, including the fabrication, erection and installation of sheave beams, sheave motors, cable and wire rope, guides, cabs, counterweights, doors, sidewalk elevators, automatic and manual controls, signal systems and other devices, apparatus and equipment appurtenant to the installation.

(4-12-04)T

109. 15100 Pipe Fitter and Process Piping. A specialty contractor whose primary business is the installation of piping for fluids and gases or materials. This category does not include domestic water, sewage, fire protection and utilities as they are covered under other categories.

(4-12-04)T

110. 15400 Plumbing. A specialty contractor whose primary business includes the ability to create and maintain sanitary conditions in buildings, by providing a permanent means for a supply of safe, pure and wholesome water, ample in volume and of suitable temperatures for drinking, cooking, bathing, washing, cleaning, and to cleanse all waste receptacles and like means for the reception, speedy and complete removal from the premises of all fluid and semi-fluid organic wastes and other impurities incidental to life and the occupation of such premises, including a safe and adequate supply of gases for lighting, heating, and industrial purposes. (Licensure with State Plumbing Bureau is required).

(4-12-04)T

111. 15510 Boiler - Hot-Water Heating and Steam Fitting. A specialty contractor who installs, services and repairs power boilers, hot-water heating systems and steam fitting, including fire-tube and water-tube steel power boilers and hot-water heating low pressure boilers, steam fitting and piping, fittings, valves, gauges, pumps, radiators, convectors, fuel oil tanks, fuel oil lines, chimneys, flues, heat insulation and all other equipment, including solar heating equipment, associated with these systems.

(4-12-04)T

112. 15550 Chimney Repair. A specialty contractor whose primary business includes the cleaning or repair of multi-type chimneys, flues or emission control devices used to conduct smoke and gases of combustion from above a fire to the outside area.

(4-12-04)T

113. 15600 Refrigeration. A specialty contractor whose primary business includes the

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art, ability, experience, knowledge, science and expertise to construct, erect, install, maintain, service and repair devices, machinery and units for the control of air temperatures below fifty (50) degrees Fahrenheit in refrigerators, refrigerator rooms, and insulated refrigerated spaces and the construction, erection, fabrication and installation of such refrigerators, refrigerator rooms, and insulated refrigerator spaces, temperature insulation, air conditioning units, ducts, blowers, registers, humidity and thermostatic controls of any part or any combination thereof, in such a manner that, under an agreed specification acceptable refrigeration plants and units can be executed, fabricated, installed, maintained, serviced and repaired, but shall not include those contractors who install gas fuel or electric power services for such refrigerator plants or other units. (4-12-04)T

114. 15700 Air Conditioning and Warm-Air Heating. A specialty contractor whose primary business includes the installation, alteration and repair of air conditioning and warm-air heating systems. Systems may include, but are not limited to duct work, air filtering devices, water treatment devices, pneumatic or electrical controls and control piping, thermal and acoustical insulation, vibration isolation materials and devices, liquid fuel piping and tanks, water and gas piping from service connection to equipment served, testing and balancing refrigerant cooling and heating circuits and air handling systems. (4-12-04)T

115. 15950 Testing and Balancing of Systems. A specialty contractor whose primary business includes the installation of devices and performs any work related to providing for a specified flow of air or water in all types of heating, cooling or piping systems. (4-12-04)T

116. 16000 Electrical. A specialty contractor whose primary business includes the installation, alteration or repair of any electrical wire, fixtures, appliances, apparatus, raceway or conduits and lines, which transmit, transform or utilize electrical energy. Licensure with State Electrical Bureau is required. (4-12-04)T

117. 16700 Communication. A specialty contractor whose primary business includes the installation, alteration or repair of communication systems (voice, data, television, microwave, and other communication systems). (4-12-04)T

118. 16800 Electrical Specialty Contractor As Defined By Electrical Bureau. Elevator, Dumbwaiter, Escalator or Moving-Walk Electrical; Sign Electrical; Manufacturing or Assembling Equipment; Limited Energy Electrical License (low voltage); Irrigation Sprinkler Electrical; Well Driller and Water Pump Installer Electrical Licenses; Refrigeration, Heating and Air Conditioning Electrical Installer. (4-12-04)T

119. 18100 Golf Course Construction. A specialty contractor whose primary business includes the construction, modification, and maintenance of golf courses. This includes clearing, excavation, grading, landscaping, sprinkler systems and associated work. This does not include the construction of buildings or structures such as clubhouses, maintenance or storage sheds. (4-12-04)T

120. 18200 Underwater Installation and Diving. A specialty contractor whose primary business is marine construction under and above water. (4-12-04)T

121. 18300 Develop Gas and Oil Wells. A specialty contractor whose primary

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business includes the ability and expertise to perform oil well drilling and other oil field related specialty work. This does not include water well drilling. (4-12-04)T

122. 18400 Nonstructural Restoration After Fire Or Flood. A specialty contractor whose primary business includes cleaning and nonstructural restoration after fire, flood or natural disasters. (4-12-04)T

123. 18600 Building Cleaning and Maintenance. A specialty contractor whose primary business includes the cleaning and maintenance of a structure designed for the shelter, enclosure and support of persons, chattels, personal and moveable property of any kind. (4-12-04)T

124. 18700 Snow Removal. A specialty contractor whose primary business includes the plowing, removal and/or disposal of snow from roads, streets, parking lots and other areas of the public rights-of-way. (4-12-04)T

125. 18800 Roadway Cleaning, Sweeping and Mowing. A specialty contractor whose primary business includes the clearing of trash and debris by manual or automated means from public thoroughfares. This category also includes cutting or mowing of grasses, plants, or weeds from public rights-of-way. (4-12-04)T

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IDAPA 07 - DIVISION OF BUILDING SAFETY

07.06.01 - RULES GOVERNING UNIFORM SCHOOL BUILDING SAFETY

DOCKET NO. 07-0601-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 39-8007, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the December 3, 2003 Idaho Administrative Bulletin, Volume 03-12, pages 44 through 48.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jack Rayne, Building Bureau Chief, 332-7151.

DATED this 31st day of March, 2004.

The Following Notice Was Published With The Temporary And Proposed Rule

EFFECTIVE DATE: The effective date of the temporary rule is September 22, 2003.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 39-8007, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than December 17, 2003.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

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DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking: The temporary and proposed rule change is necessary in order to protect and confer a benefit to the public. These changes identify by name and edition those Codes and Standards that have been adopted as part of the Idaho Uniform School Building Safety Code. It also adds definitions for building code and serious safety hazard.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(a) and (c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate as the change is necessary to protect the public health, safety and welfare, and will confer a benefit to the public.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the temporary and proposed rulemaking is necessary in order to protect the public health, safety and welfare.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Ted Hogander, Plumbing Bureau Chief, Division of Building Safety, (208) 332-7140.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before December 24, 2003.

DATED this 29th day of October, 2003.

Dave Munroe, Administrator
Division of Building Safety
1090 E. Watertower St.
Meridian, Idaho 83642
(208) 334-3951 / fax (208) 855-2164

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

002. WRITTEN INTERPRETATIONS.

The Division of Building Safety may have written interpretations of this chapter ~~in the form of legal memoranda or explanatory comments accompanying the notice of proposed rulemaking that originally proposed the rules~~. These documents, if any, are available for public inspection and copying in the central office of the Division of Building Safety. ~~(3-15-02)(9-22-03)T~~

(BREAK IN CONTINUITY OF SECTIONS)

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004. INCORPORATION BY REFERENCE.

01. Uniform Codes. The following uniform codes are hereby incorporated by reference into IDAPA 07.06.01, "Rules Governing Uniform School Building Safety," as, and insofar as, they have been adopted by the state of Idaho pursuant to Sections 39-4109, 41-253, 54-1001, 54-2601, and 72-508, Idaho Code: (3-15-02)

- a. ~~1997 Uniform~~ 2000 International Building Code (IBC) and Appendix Chapter 11 for accessibility; (~~3-15-02~~)(9-22-03)T
- b. ~~1997 Uniform~~ 2000 International Mechanical Code (IMC); (~~3-15-02~~)(9-22-03)T
- c. ~~1997 Life Safety~~ 2000 International Fuel Gas Code (IFGC); (~~3-15-02~~)(9-22-03)T
- d. ~~1999~~ 2002 Safety Code for Elevators Code and Escalators (ASME/ANSI A17.1); (~~3-15-02~~)(9-22-03)T
- e. ~~1992 Accessibility Standards (ANSI A117.1)~~ 2000 International Energy Conservation Code; (~~3-15-02~~)(9-22-03)T
- f. ~~1995 Model Energy Code~~ 1998 Accessible and Usable Buildings and Facilities (ICC/ANSI A117.1); (~~3-15-02~~)(9-22-03)T
- g. 1997 Uniform Code for Building Conservation (UCBC); (3-15-02)
- h. ~~1997 Uniform~~ 2000 International Fire Code (IFC); (~~3-15-02~~)(9-22-03)T
- i. ~~1999~~ 2002 National Electrical Code (NEC); (~~3-15-02~~)(9-22-03)T
- j. ~~2000~~ 2003 IAPMO Uniform Plumbing Code (UPC); (~~3-15-02~~)(9-22-03)T
- k. 1995 Pacific NW AWWA Manual for Backflow Prevention and Cross Connection Control; and (3-15-02)
- l. ~~1997~~ 2003 Idaho General Safety and Health Standards. (~~3-15-02~~)(9-22-03)T

02. Idaho Uniform School Building Safety Code. These codes, set forth in 004.01.a through 004.01.l. of this rule, together with the definitions contained therein and the written interpretations thereof, insofar as they are applicable to school facilities, shall constitute the Idaho Uniform School Building Safety Code. A copy of each of the identified codes is available for review at the main office of the Division of Building Safety. (~~3-15-02~~)(9-22-03)T

(BREAK IN CONTINUITY OF SECTIONS)

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010. DEFINITIONS.

~~**01. Abatement Code.** *The 1997 Uniform Code for the Abatement of Dangerous Buildings.* (3-15-02)~~

021. Act. The Idaho Uniform School Building Safety Act, Section 39-8001, et seq., Idaho Code. (3-15-02)

032. Administrator. The Administrator of the Division of Building Safety for the state of Idaho. (3-15-02)

03. Building Code. The Building Code specified in Subsection 004.01.a. of this rule. (9-22-03)T

~~**04. Bureau.** *The Building Bureau of the Division of Building Safety.* (3-15-02)~~

054. Code. The Idaho Uniform School Building Safety Code. (3-15-02)

065. Division. The Idaho Division of Building Safety. (3-15-02)

076. Imminent Safety Hazard. A condition that presents an unreasonable risk of death or serious bodily injury to occupants of a building. (3-15-02)

087. School Building Or Building. Any school building, including its structures and appurtenances necessary for the operation of the school building, and subject to the provisions of the Act. (3-15-02)

08. Serious Safety Hazard. A condition that presents an unreasonable health risk or risk of injury to occupants of a building. (9-22-03)T

011. -- 049. (RESERVED).

050. VIOLATION OF CODE.

01. Duty to Act. The Administrator shall immediately undertake the steps set forth in the Act whenever he shall find a violation of the Code. (3-15-02)

02. Imminent Safety Hazard. Code violations, which shall constitute an imminent safety hazard, include, but are not limited to, the following: (3-15-02)

a. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic; (3-15-02)

b. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic; (3-15-02)

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c. Whenever the stress in any materials, member or portion thereof, due to all dead and life loads, is more than one and one half (1-1/2) times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location; (3-15-02)

d. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location; (3-15-02)

e. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property; (3-15-02)

f. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half (1/2) of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings; (3-15-02)

g. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction; (3-15-02)

h. Whenever the building or structure, or any portion thereof, because of: (3-15-02)

i. Dilapidation, deterioration or decay; (3-15-02)

ii. Faulty construction; (3-15-02)

iii. The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (3-15-02)

iv. The deterioration, decay or inadequacy of its foundation; or (3-15-02)

v. Any other cause, is likely to partially or completely collapse; (3-15-02)

i. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code ~~or Housing Code~~, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings; ~~(3-15-02)~~(9-22-03)T

j. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion less than fifty percent (50%), or in any supporting part, member or portion less than sixty-six percent (66%) of the: (3-15-02)

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- i. Strength; (3-15-02)
- ii. Fire-resisting qualities or characteristics; or (3-15-02)
- iii. Weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location; (3-15-02)

k. Whenever any building or structure, because of obsolescence; dilapidated condition; deterioration; damage; inadequate exits; lack of sufficient fire-resistive construction; faulty electric wiring, gas connections or heating apparatus; or other cause, is determined by the fire marshal to be a fire hazard; (3-15-02)

l. Whenever a building or structure, because of inadequate maintenance; dilapidation; decay; damage; faulty construction or arrangement; inadequate light, air or sanitation facilities; or otherwise, is determined to be unsanitary, unfit for human occupancy or habitation, or in such a condition that is likely to cause accidents, sickness, or disease; (3-15-02)

m. Whenever any building or structure, because of dilapidated condition; deterioration; damage; inadequate exits; lack of sufficient fire-resistive construction; faulty electric wiring, gas connections, or heating apparatus; or other cause, is determined by the State fire marshal to be a fire or life safety hazard; and (3-15-02)

n. Whenever there is, within the building, the presence of vapors, fumes, smoke, dusts, chemicals, or materials in any form (natural or man made) in quantities that have been established by national health organizations to be a threat to the health or safety of the building occupants. This does not include materials stored, used, and processed in accordance with nationally recognized safety standards for the materials in question. (3-15-02)

~~03. Interpretation.~~ (3-15-02)

~~a.~~ *In interpreting and applying any of the provisions of Subsections 050.02.a. through 050.02.k., which are a part of the Abatement Code, the Administrator shall employ applicable definitions contained in the Abatement Code together with any written interpretations thereof.* (3-15-02)

~~b.~~ *In interpreting and applying any of the provisions of Subsections 050.02.a. through 050.02.k., references within the Abatement Code to the Building Code or the Housing Code, shall, for purposes of these rules only, be considered to refer to the Idaho Uniform School Building Safety Code.* (3-15-02)

~~c.~~ *In interpreting and applying any of the provisions of Subsections 050.02.a. through 050.02.k., references within the Abatement Code to "buildings" or "structures" shall be limited to those buildings or structures which are the subject to the provisions of the Act.* (3-15-02)

Senate Commerce and Human Resources Committee

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.07.01 - RULES GOVERNING INSTALLATION OF HEATING, VENTILATION, AND AIR CONDITIONING SYSTEMS

DOCKET NO. 07-0701-0401

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-5005(2), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the July 7, 2004 Idaho Administrative Bulletin, Volume 04-7, pages 13 and 14.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Ted Hogander, Plumbing Bureau Chief, 208-332-7154.

DATED this 28th day of July, 2004.

The Following Notice Was Published With The Temporary And Proposed Rule

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2004.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 54-5005(2), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 21, 2004.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

Senate Commerce and Human Resources Committee

DIVISION OF BUILDING SAFETY Rules Governing Installation of HVAC Systems

**Docket No. 07-0701-0401
PENDING RULE**

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The temporary and proposed rule change is necessary to implement the issuance of certificates of competency for no less than one year and no more than three years. Certificates of competency will be issued in such a manner as to create a renewal date that coincides with the birth month of the qualified applicant. Certificate renewals and revivals are similarly addressed.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate due to the requirement for certificates of competency to be issued to qualified applicants beginning July 1, 2004 per Section 54-5008, Idaho Code.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because Section 54-5012, Idaho Code allows for the issuance of certificates of competency in one to three year increments.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Ted Hogander, Bureau Chief, 332-7154.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 28, 2004.

DATED this 2nd day of June, 2004.

Dave Munroe, Administrator
Division of Building Safety
1090 E. Watertower St.
Meridian, Idaho 83642
Phone: 208-332-7100/Fax: 208-855-2164

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

011. CERTIFICATES OF COMPETENCY -- ISSUANCE, RENEWAL, EXPIRATION-REVIVAL.

01. Issuance. Certificates of competency shall be issued in such a manner as to create a renewal date that coincides with the birth month of the individual to whom the certificate is issued and allows for renewals every three (3) years. (7-1-04)T

Senate Commerce and Human Resources Committee

DIVISION OF BUILDING SAFETY Rules Governing Installation of HVAC Systems

***Docket No. 07-0701-0401
PENDING RULE***

a. Certificates of competency shall be issued for a period of no less than one (1) year and no more than (3) three years. For example: a qualified applicant who applies for a certificate of competency in August of year one (1), but whose birthday will not occur until March of year two (2) shall be issued a certificate of competency renewable on the anniversary of the applicant's birth month. (7-1-04)T

b. The fee for issuance of certificates of competency shall be prorated based on the number of months for which the certificate is issued. (7-1-04)T

02. Renewal. Certificates of competency shall be renewed in such a manner as to create a staggered system of certificate renewals using the birth month of the individual to whom the certificate is issued as the expiration date. (7-1-04)T

a. Certificates of competency shall be renewed for a period of no less than one (1) year and no more than three (3) years. (7-1-04)T

b. The fee for renewal of certificates of competency shall be prorated based on the number of months for which the certificate is issued. (7-1-04)T

03. Expiration-Revival. (7-1-04)T

a. Certificates that are not timely renewed will expire on the last day of the month in which the renewal is due. (7-1-04)T

b. Revived certificates shall be issued in such a manner as to create a renewal date that coincides with the birth month of the applicant so as to create a staggered system of renewal. (7-1-04)T

0142. -- 019. (RESERVED).

Senate Commerce and Human Resources Committee

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.07.01 - RULES GOVERNING INSTALLATION OF HEATING, VENTILATION, AND AIR CONDITIONING SYSTEMS

DOCKET NO. 07-0701-0402

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-5004(1), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed with no changes. The original text of the proposed rule was published in the October 6, 2004 Idaho Administrative Bulletin, Volume 04-10, pages 166 through 170.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Ted Hogander, Plumbing Bureau Chief, 208-332-7154.

DATED this 3rd day of November, 2004.

The Following Notice Was Published With The Proposed Rule

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-5004(1), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 20, 2004.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

Senate Commerce and Human Resources Committee

DIVISION OF BUILDING SAFETY Rules Governing Installation of HVAC Systems

***Docket No. 07-0701-0402
PENDING RULE***

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The proposed rule changes are necessary to address questions that have arisen on the part of industry and others in the process of implementing HVAC licensing requirements. The changes clarify the definition of a specialty contractor, allow a certificate of competency to be issued to an entity, address additional qualifications for HVAC contractors and designate a supervising journeyman.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: There are no fees or charges imposed or increased in this proposed rule.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the Idaho Heating, Ventilation and Air Conditioning Board and industry representatives traveled throughout the state addressing the issues and concerns of those in the HVAC industry. These rule changes are in response to those issues and concerns.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Ted Hogander, Plumbing Bureau Chief, 208-332-7154.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2004.

DATED this 25th day of August, 2004.

Dave Munroe, Administrator
Division of Building Safety
1090 E. Watertower St.
Meridian, Idaho 83642
Phone: 208-332-7100
Fax: 208-855-2164

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

010. DEFINITIONS.

- 01. Administrator.** The administrator of the Idaho Division of Building Safety.
(3-16-04)
- 02. Board.** The Idaho Heating, Ventilation, and Air Conditioning (HVAC) Board.
(3-16-04)

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PENDING RULE**

03. Bureau. The Idaho Division of Building Safety, Heating, Ventilation, and Air Conditioning Bureau. (3-16-04)

04. Division. The Idaho Division of Building Safety. (3-16-04)

05. Additional Definitions. Terms defined in Section 54-5003, Idaho Code, will have the same meaning when utilized in these rules except that the term “heating, ventilation and air conditioning specialty contractor” shall include any natural person or any business, trade, partnership, corporation, firm or association engaged in a specific aspect of the heating, ventilation and air conditioning trade such as gas piping, gas appliances and installation, or decorative gas-fired appliances. ~~(3-16-04)~~()

06. Rules. IDAPA 07.07.01, “Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems, Division of Building Safety”. (3-16-04)

011. CERTIFICATES OF COMPETENCY -- ISSUANCE, RENEWAL, EXPIRATION,- REVIVAL AND CALCULATION OF DATES.

01. Issuance. Certificates of competency shall be issued in such a manner as to create a renewal date that coincides with the birth month of the individual to whom the certificate is issued and allows for renewals every three (3) years. (7-1-04)T

a. Certificates of competency shall be issued for a period of no less than one (1) year and no more than (3) three years. For example: a qualified applicant who applies for a certificate of competency in August of year one (1), but whose birthday will not occur until March of year two (2) shall be issued a certificate of competency renewable on the anniversary of the applicant’s birth month. (7-1-04)T

b. The fee for issuance of certificates of competency shall be prorated based on the number of months for which the certificate is issued. (7-1-04)T

02. Renewal. Certificates of competency shall be renewed in such a manner as to create a staggered system of certificate renewals using the birth month of the individual to whom the certificate is issued as the expiration date. (7-1-04)T

a. Certificates of competency shall be renewed for a period of no less than one (1) year and no more than three (3) years. (7-1-04)T

b. The fee for renewal of certificates of competency shall be prorated based on the number of months for which the certificate is issued. (7-1-04)T

03. Expiration-Revival. (7-1-04)T

a. Certificates that are not timely renewed will expire on the last day of the month in which the renewal is due. (7-1-04)T

b. Revived certificates shall be issued in such a manner as to create a renewal date that coincides with the birth month of the applicant so as to create a staggered system of renewal.

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DIVISION OF BUILDING SAFETY Rules Governing Installation of HVAC Systems

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(7-1-04)T

04. Calculation of Dates. When the division issues certificates of competency to entities other than natural persons, the date that the certificate is issued shall be used in lieu of a birth date for purposes of calculating certification, renewal and revival dates. (____)

012. -- 019. (RESERVED).

020. HVAC CONTRACTOR AND HVAC JOURNEYMAN APPLICATIONS FOR EXAMINATION AND CERTIFICATES OF COMPETENCY, AND REGISTRATION OF APPRENTICES.

Application ~~forms~~ for HVAC contractor, HVAC specialty contractor, and HVAC journeyman examinations or certificates of competency and for HVAC apprentice registrations, shall be ~~printed and made available~~ submitted on forms provided by the administrator. ~~(3-16-04)~~(____)

01. Application Forms. All applications for certificates and all applications for registration ~~shall be submitted on forms provided by the administrator and~~ shall be properly completed, giving all ~~pertinent~~ required information, and all signatures shall be notarized. ~~(3-16-04)~~(____)

02. Application, Renewal, and Registration Fees. Fees for applications for examination, certificates of competency, renewal of certificates, and fees for apprentice registration shall be as set forth in Section 54-5012, Idaho Code. (3-16-04)

03. Application Submission. All applications shall be submitted to the Board and shall be approved by an administrator before any examination may be taken and before any certificate of competency is issued. (3-16-04)

021. HVAC CONTRACTOR CERTIFICATE OF COMPETENCY.

01. Requirements for HVAC Contractor. (3-16-04)

a. Bond. Applicants shall provide a ~~performance~~ surety bond in the amount of two thousand dollars (\$2,000). ~~(3-16-04)~~(____)

b. Qualification. Applicants shall provide proof, satisfactory to the board, of having legally acted as an HVAC journeyman for a period of not less than twenty-four (24) months. (3-16-04)

c. Examination. Applicants for certification as HVAC contractors must successfully complete the examination designated by the board. (3-16-04)

02. Alternate Requirements for HVAC Contractor. (Applies only until April 1, 2005). (3-16-04)

a. Bond. Applicants shall provide a ~~performance~~ surety bond in the amount of two thousand dollars (\$2,000). ~~(3-16-04)~~(____)

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b. Qualification. Proof, satisfactory to the board, of having engaged in the business of HVAC contracting prior to July 1, 2004. Forms of proof include, but are not limited to:

(3-16-04)

i. Copies of business licenses or registrations; (3-16-04)

ii. Tax returns; (3-16-04)

iii. Business advertisements; (3-16-04)

iv. Client affidavits; or (3-16-04)

v. Descriptions of work done to date. (3-16-04)

c. Examination. Copies of the HVAC statute and rules, along with an examination regarding the statute and rules will be included in each application package. The examination must be completed using the statute and rules and a written verification of completion of the examination must be submitted at the same time as the completed application for a certificate of competency. (3-16-04)

03. Additional Requirements. Any person, firm, partnership, company, association or corporation that applies for an HVAC contractor certificate of competency shall be required to designate a supervising HVAC journeyman on the application. ()

a. Supervising journeyman. The designated supervising journeyman must be a full time employee who holds an active HVAC journeyman certificate of competency, issued by the division, that is active and in good standing. The designated supervising journeyman must be available at all times during working hours to act in that capacity. ()

b. Individual contractor may act as designated supervising journeyman. An individual HVAC contractor may act as the designated supervising journeyman so long as he meets the criteria set forth in Subsection 021.03.a. ()

c. Termination of working relationship with designated supervising journeyman. In the event that the designated supervising journeyman's working relationship with the HVAC contractor is terminated for any reason, the contractor must designate a qualified replacement supervising journeyman within ninety (90) days of the termination or the contractor certificate shall be void. If the contractor certificate is held by an individual who is also acting as the designated supervising journeyman, the contractor certificate shall be void at the end of ninety (90) days unless a qualified replacement supervising journeyman is designated. ()

022. HVAC SPECIALTY CONTRACTOR CERTIFICATE OF COMPETENCY.

01. Requirements for HVAC Specialty Contractor. (3-16-04)

a. Bond. Applicants shall provide a performance surety bond in the amount of two thousand dollars (\$2,000). ~~(3-16-04)~~()

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b. Qualification. Applicants shall provide proof, satisfactory to the board, of having legally acted as an HVAC specialty journeyman for a period of not less than twenty four (24) months. (3-16-04)

c. Examination. Applicants for certification as HVAC specialty contractors must successfully complete the examination designated by the board. (3-16-04)

02. Alternative Requirements for HVAC Specialty Contractor. (Applies only until April 1, 2005). (3-16-04)

a. Bond. Applicants shall provide a performance surety bond in the amount of two thousand dollars (\$2,000). (~~3-16-04~~)()

b. Qualification. Proof, satisfactory to the board, of having engaged in the business of HVAC specialty contracting prior to July 1, 2004. Forms of proof include, but are not limited to: (3-16-04)

i. Copies of business licenses or registrations; (3-16-04)

ii. Tax returns; (3-16-04)

iii. Business advertisements; (3-16-04)

iv. Client affidavits; or (3-16-04)

v. Descriptions of work done to date. (3-16-04)

c. Examination. Copies of the HVAC statute and rules, along with an examination regarding the statute and rules will be included in each application package. The examination must be completed using the statute and rules and a written verification of completion of the examination must be submitted at the same time as the completed application for a certificate of competency. (3-16-04)

(BREAK IN CONTINUITY OF SECTIONS)

050. HVAC PERMITS.

01. Serial Number. Each permit shall bear a serial number. (3-16-04)

02. HVAC Contractors and HVAC Specialty Contractors. The Division shall furnish permits to certified HVAC contractors and HVAC specialty contractors upon request. The serial numbers of such permits shall be registered in the name of the HVAC contractor or HVAC specialty contractor to whom they are issued. Permits shall not be transferable. (3-16-04)

03. ~~Home~~Property Owners. Home owners ~~or~~ and contract purchaser of residential

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property, making HVAC installations on their own residences, ~~coming under the provisions of~~ as authorized in Section 54-5002, Idaho Code, and maintenance workers who meet the criteria set forth in Section 54-5002(4), Idaho Code, shall secure an HVAC permit by making application to the Division as provided in Section 54-5016, Idaho Code. (3-16-04)()

04. HVAC Contractors and HVAC Specialty Contractors. HVAC contractors and HVAC specialty contractors shall secure an HVAC permit by making application to the Division as provided in Section 54-5016, Idaho Code. (3-16-04)

05. Expiration of Permit. Every permit issued by the Division under the provisions of Section 54-5017, Idaho Code, shall expire by limitation and become null and void if the work authorized by such permit is not commenced within one hundred twenty (120) days from the date of issuance of such permit, or if work authorized by such permit is suspended or abandoned at any time after work is commenced for a period of one hundred twenty (120) days. Before work that has been suspended or abandoned for a period of more than one hundred twenty (120) days since originally commenced, may be recommenced, a new permit must first be obtained, and the fee shall be one-half (1/2) the amount required for a new permit for such work; provided, no changes have been made, or will be made in the original plans and specifications for such work; and provided further, that such suspension or abandonment has not exceeded one (1) year. All HVAC fixtures shall be listed on the application for permit. (3-16-04)

Senate Commerce and Human Resources Committee

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.07.01 - RULES GOVERNING INSTALLATION OF HEATING, VENTILATION, AND AIR CONDITIONING SYSTEMS

DOCKET NO. 07-0701-0403

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-5004(1), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed with no changes. The original text of the proposed rule was published in the October 6, 2004 Idaho Administrative Bulletin, Volume 04-10, pages 171 and 172.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Ted Hogander, Plumbing Bureau Chief, 208-332-7154.

DATED this 3rd day of November, 2004.

The Following Notice Was Published With The Temporary And Proposed Rule

EFFECTIVE DATE: The effective date of the temporary rule is August 18, 2004.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 54-5004(1), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 20, 2004.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation

Senate Commerce and Human Resources Committee

DIVISION OF BUILDING SAFETY
Rules Governing Installation of HVAC Systems**Docket No. 07-0701-0403**
PENDING RULE

must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The proposed and temporary rule deletes IDAPA 07.07.01, Subsection 050.05 as that subsection of administrative rule not only repeats statute, but does so incorrectly. The administrative rule wrongly states every permit issued will expire if the work authorized by the permit is not commenced within one hundred twenty (120) days, and Idaho Code states the day limit will be ninety (90) days. The administrative rule also wrongly states every permit issued will expire if the work authorized is suspended or abandoned at any time after work is commenced for a period of one hundred twenty (120) days, and Idaho Code states the day limit will be one hundred eighty (180) days.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: IDAPA 07.07.01.050.05 currently conflicts with Section 54-5017(3), Idaho Code by incorrectly referencing permit expiration periods.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: The temporary and proposed rulemaking does not impose or increase any fees or charges.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the rule change is necessary as the current administrative rule is in direct conflict with Idaho Code.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Ted Hogander, Plumbing Bureau Chief, 208-332-7154.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2004.

DATED this 25th day of August, 2004.

Dave Munroe, Administrator
Division of Building Safety
1090 E. Watertower St.
Meridian, Idaho 83642
Phone: 208-332-7100
Fax: 208-855-2164

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

Senate Commerce and Human Resources Committee

DIVISION OF BUILDING SAFETY Rules Governing Installation of HVAC Systems

**Docket No. 07-0701-0403
PENDING RULE**

050. HVAC PERMITS.

01. Serial Number. Each permit shall bear a serial number. (3-16-04)

02. HVAC Contractors and HVAC Specialty Contractors. The Division shall furnish permits to certified HVAC contractors and HVAC specialty contractors upon request. The serial numbers of such permits shall be registered in the name of the HVAC contractor or HVAC specialty contractor to whom they are issued. Permits shall not be transferable. (3-16-04)

03. Home Owners. Home owners or a contract purchaser of residential property, making HVAC installations on their own residences, coming under the provisions of Section 54-5002, Idaho Code, shall secure an HVAC permit by making application to the Division as provided in Section 54-5016, Idaho Code. (3-16-04)

04. HVAC Contractors and HVAC Specialty Contractors. HVAC contractors and HVAC specialty contractors shall secure an HVAC permit by making application to the Division as provided in Section 54-5016, Idaho Code. (3-16-04)

~~05. Expiration of Permit.~~ *Every permit issued by the Division under the provisions of Section 54-5017, Idaho Code, shall expire by limitation and become null and void if the work authorized by such permit is not commenced within one hundred twenty (120) days from the date of issuance of such permit, or if work authorized by such permit is suspended or abandoned at any time after work is commenced for a period of one hundred twenty (120) days. Before work that has been suspended or abandoned for a period of more than one hundred twenty (120) days since originally commenced, may be recommenced, a new permit must first be obtained, and the fee shall be one-half (1/2) the amount required for a new permit for such work; provided, no changes have been made, or will be made in the original plans and specifications for such work; and provided further, that such suspension or abandonment has not exceeded one (1) year. All HVAC fixtures shall be listed on the application for permit.* (3-16-04)

Senate Commerce and Human Resources Committee

IDAPA 09 - DEPARTMENT OF COMMERCE AND LABOR

09.01.30 - RULES OF THE BENEFITS BUREAU

DOCKET NO. 09-0130-0401

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 67-4702(2), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

There are no changes to the pending rule. The pending rule is being adopted as originally proposed. The original text of the proposed rule was published in the October 6, 2004, Idaho Administrative Bulletin, Volume 04-10, pages 214 through 216.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Roger Holmes, UI Benefits Bureau Chief, (208)332-3570 ext. 3233.

DATED this 17th day of November, 2004.

The Following Notice Was Published With The Temporary And Proposed Rule

EFFECTIVE DATE: These temporary rules are effective July 1, 2004.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 67-4702(2), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 20, 2004.

Senate Commerce and Human Resources Committee

DEPARTMENT OF COMMERCE AND LABOR
Rules of the Benefits Bureau

Docket No. 09-0130-0401
PENDING RULE

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Department of Commerce and Labor is adding definitions relating to electronic signatures as part of the enhanced claims system utilizing electronic communications for filing and reporting on claims. Definitions for “Personal Identification Number (PIN),” “Signature” and “Signed” are being added to the rule.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: The changes to the rule confer a benefit to unemployment insurance benefit claimants by facilitating electronic transactions with the Department.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the rules are being added to ensure compliance with statutory requirements for electronic signatures.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Roger Holmes, UI Benefits Bureau Chief, 332-3570 Ext. 3233.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2004.

DATED this 25th day of August, 2004.

Roger Holmes
UI Benefits Bureau Chief
Benefit Programs Bureau
Department of Commerce and Labor
317 W. Main Street, Boise, Idaho 83735
Phone: 332-3570 Ext. 3233
Fax: 334-6301

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

010. DEFINITIONS.

Unless the context clearly requires otherwise, these terms shall have the following meanings

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when used in these Rules, in interpretations, in forms, and in other official documents issued by the Director of the Department of Commerce and Labor. (3-19-99)

01. Additional Claim. An initial claim made after a period of employment subsequent to a new claim in the same benefit year. (3-19-99)

02. Administrative Office. The main office in Boise, Idaho, wherein the administrative functions of the Department of Commerce and Labor are performed. (3-19-99)

03. Appealed Claim. An interested party's appeal to the Appeals Bureau of a claims examiner's decision on a claim or a request for review by the Industrial Commission of a decision made by an appeals examiner. (3-19-99)

04. Average Annual Wage. For the purpose of determining the taxable wage base, under Section 72-1350(1), Idaho Code, the average annual wage shall be computed by dividing that calendar year's total wages in covered employment, excluding State government and cost reimbursement employers, by the average number of workers in covered employment for that calendar year as derived from data reported to the Department of Commerce and Labor by covered employers. (3-19-99)

05. Average Weekly Wage. For the purpose of establishing the maximum weekly benefit amount, under Section 72-1367(2)(a), Idaho Code, the average weekly wage shall be computed by dividing the total wages paid in covered employment (including State government employment) for the preceding calendar year, as computed from data reported to the Department of Commerce and Labor by covered employers, by the monthly average number of workers in covered employment for the calendar year and then dividing the resulting figure by fifty-two (52). (3-19-99)

06. Benefit Balance. The unpaid portion of the total benefits payable with respect to a claimant's unemployment during a given benefit year. (3-19-99)

07. Chargeability Determination. A determination issued by the Director or his authorized agent with respect to whether a covered employer's account shall be charged for benefits paid on a claim. (3-19-99)

08. Claim. An application for unemployment insurance or "benefits". (3-19-99)

09. Combined Wage Claim. A claim filed under any interstate agreement whereby an unemployed worker with covered wages in more than one (1) state may combine such wages. (3-19-99)

10. Compensable Claim. An application for benefits which certifies to the completion of a benefit period (one (1) or more weeks). (3-19-99)

11. Contested Claim. A claim in which an interested party disputes the claimant's right to benefits. (3-19-99)

12. Continued Claim. An application for waiting-week credit or for benefits for

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specific compensable weeks. (3-19-99)

13. Employment. For the purpose of the personal eligibility conditions of Section 72-1366(5), Idaho Code, “employment” means that employment subsequent to which a claimant has not earned twelve (12) times his weekly benefit amount. (3-19-99)

14. Full-Time Employment. A week of full-time employment for a claimant is one in which he has worked what are customarily considered full-time hours for the industry in which he has been employed that week or in which the earnings are more than one and one-half (1-1/2) times his weekly benefit amount. (4-5-00)

15. Initial Claim. The first claim for benefits made by an unemployed individual during a continuous period of unemployment. An initial claim may be either new or additional. (3-19-99)

16. Interstate Claim. A claim filed by a worker who resides in a state other than the state (or states) in which he has earned wages in covered employment. (3-19-99)

17. Intrastate Claim. A claim filed by a worker who has earned wages within that state or who has federal wages assigned to that state. (3-19-99)

18. Itinerant Point. A place where claims-taking services are regularly provided for less than four (4) days a week by a local office which carries on its primary operations at another point. (3-19-99)

19. Liability Determination. A determination issued by the Director or his authorized agent with respect to whether a cost reimbursement employer shall be charged for benefits paid on a claim. (3-19-99)

20. Local Office. A community office of the Department of Commerce and Labor at which claims are taken and job placement services are provided to applicants and employers. (3-19-99)

21. Mail Claim. A claim filed by mail rather than in person at a local office. (3-19-99)

22. Monetary Determination. A determination of eligibility which lists a claimant’s base period employer(s) and wages and establishes, if the claimant is eligible, his benefit year, his weekly benefit amount, and his total benefit amount. PENDING RULE (3-19-99)

23. New Claim. The first initial claim made in a benefit year. (3-19-99)

24. Non-Monetary Determination. A determination issued by a claims examiner with respect to the personal eligibility conditions of a claimant. (3-19-99)

25. Personal Identification Number (PIN). A confidential number or other electronic method of verification unique to a claimant or an employer that is required for such persons to perform certain transactions with the Department by electronic or telephonic means. A PIN has the same force and effect as a manual signature. (7-1-04)T

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256. Regular Claim. A claim based on wages earned during a base period, excluding extended benefit claims. (3-19-99)

27. Signature, Signed. The Personal Identification Number (PIN) is considered the same as a manual signature and has the same force and effect when a claimant or an employer uses Department-approved electronic or telephonic means to submit information to or engage in transactions with the Department. (7-1-04)T

268. Telephone Claim. A claim filed by telephone rather than in person at a local office. (3-19-99)

279. Total Benefit Amount. The full amount of benefits to which a claimant may be entitled during a benefit year on his regular claim. (3-19-99)

2830. Unemployment. An individual shall be deemed “unemployed” in any week during which he performs no services and with respect to which no wages are allocable, or in any week in which the total wages payable to him for less than full-time work performed in such week amounted to less than one and one-half (1-1/2) times his weekly benefit amount. (3-19-99)

2931. Weekly Benefit Amount. The full amount of benefits to which a claimant may be entitled for one (1) week of total unemployment. (3-19-99)

Senate Commerce and Human Resources Committee

IDAPA 09 - DEPARTMENT OF COMMERCE AND LABOR

09.01.30 - RULES OF THE BENEFITS BUREAU

DOCKET NO. 09-0130-0402

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 67-4702(2), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

There are no changes to the pending rule. The pending rule is being adopted as originally proposed. The original text of the proposed rule was published in the October 6, 2004, Idaho Administrative Bulletin, Volume 04-10, pages 217 through 219.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Roger Holmes, UI Benefits Bureau Chief, (208)332-3570 ext. 3233.

DATED this 17th day of November, 2004.

The Following Notice Was Published With The Temporary And Proposed Rule

EFFECTIVE DATE: These temporary rules are effective July 1, 2004.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 67-4702(2), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 20, 2004.

Senate Commerce and Human Resources Committee

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Rules of the Benefits Bureau

Docket No. 09-0130-0402
PENDING RULE

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

IDAPA 09.01.30.525 would be amended to require all holiday pay to be reported in the week the holiday occurs, which would simplify reporting requirements for both claimants and employers. The amendment would delete the current language requiring that holiday pay that is contingent upon an employee's return to work after the holiday is reportable when paid. All claimants would now report holiday pay as income for the claim week in which the holiday occurred. Confusion over when to report holiday pay has been a significant cause of overpayments for claimants. Employers who make holiday pay contingent on whether employees return to work after the holiday will no longer be liable for unemployment benefits paid for days for which they also paid holiday pay. Also, the U.S. Department of Labor is proposing a change in its benefit quality assessment process that allows states with this modified rule to forego verifying with employers holiday pay amounts received by claimants and the employers' holiday payment policies. This change would reduce staff time spent on the verification process by the Department and employers.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

Simplifying the rule would benefit claimants, employers, and Department staff by clarifying when holiday pay should be reported. Confusion over when to report holiday pay has been a significant cause of overpayments for claimants, which will now be avoided. Employers who make holiday pay contingent on whether employees return to work after the holiday will no longer be liable for unemployment benefits paid for days for which they also paid holiday pay.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rule making was not conducted because the rule is being amended to clarify an existing rule that has caused confusion.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Roger Holmes, UI Benefits Bureau Chief, 332-3570 Ext. 3233.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2004.

DATED this 25th day of August, 2004.

Roger Holmes

Senate Commerce and Human Resources Committee

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Rules of the Benefits Bureau

Docket No. 09-0130-0402
PENDING RULE

UI Benefits Bureau Chief
Benefit Programs Bureau
Department of Commerce and Labor
317 W. Main Street
Boise, Idaho 83735
Phone: 332-3570 Ext. 3233
Fax: 334-6301

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

525. REPORTABLE INCOME.

Ref. Sec.72-1312, 72-1328, Idaho Code.

(3-19-99)

01. Back Pay Or Disputed Wages. Amounts received as a result of labor relations awards or judgments for back pay, or for disputed wages, constitute wages for the weeks in which the claimant would have earned them, or are assignable to the weeks stipulated in the award or judgment. If the claimant received waiting week credit for a week in which the award or judgment is reported or assigned, the waiting week will be denied if the amount of the award or judgment for the week renders the claimant ineligible for such credit. If the claimant received benefits for the weeks in which the award or judgment is reported or assigned, such benefits are overpaid to the extent that the weekly amount of the award or judgment affects the claimant's eligibility.

(3-19-99)

02. Disability/Injury Compensation. Injury or disability compensation payments are not considered wages and are not reportable income for unemployment insurance purposes.

(3-19-99)

03. Disability Retirement Payments. Retirement payments as a result of disability shall be treated the same as other types of retirement payments. Ref. Sec. 72-1312(4), Idaho Code.

(3-19-99)

04. Gratuities Or Tips. Gratuities or tips must be reported by a claimant for the week in which each gratuity or tip is earned.

(3-19-99)

05. Holiday Pay. Holiday pay must be reported as though earned in the week in which the holiday occurs. ~~Holiday pay that is contingent upon an employee's return to work after the holiday is considered a bonus and is reportable when paid.~~

~~(3-19-99)(7-1-04)T~~

06. Non-Periodic Remuneration. All non-periodic remuneration such as one-time severance pay, profit sharing, and bonus pay is reportable for the week in which paid.

(3-19-99)

07. Penalty Or Damage Awards. Amounts awarded to a claimant as a penalty or damages against an employer, other than for lost wages, do not constitute wages.

(3-19-99)

08. Pension, Retirement, Or Annuity Payments. The pension deduction provision of Section 72-1312(4), Idaho Code, only applies if the pension, retirement pay, annuity, or other

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similar periodic payment is made under a plan maintained or contributed to by a base period employer. The dollar amount of the weekly pension shall be deducted from the claimant's weekly benefit amount unless the claimant has made contributions toward the pension. If the claimant has made contributions toward the pension plan, the pension offset shall be reduced one hundred percent (100%), and no deduction for the pension shall be made from the claimant's weekly benefit amount. Ref. Sec. 72-1312(4), Idaho Code. (3-19-99)

a. Pension Contributions. The burden shall be on the claimant to establish by substantial, competent evidence that he has made contributions toward the pension, retirement pay, annuity or other similar payment plan. (3-19-99)

b. Pension Payment Changes. Any change in the amount of the pension, retirement, or annuity payments which affects the deduction from the claimant's weekly benefit amount shall be applied in the first full week after the effective date of the change. (3-19-99)

09. Relief Work Or Public Assistance. (3-19-99)

a. Remuneration received for relief work or public service work will be considered wages on the same basis as any other employment. (3-19-99)

b. Eligibility When Public Assistance Received. A person receiving public assistance shall be eligible for benefits if no work is involved and the claimant is otherwise eligible. (3-19-99)

10. Self-Employment Earnings. When reporting earnings, a claimant must report gross earnings from self-employment unless the claimant can prove that certain expenditures, which are not commonly associated with working for wages, were necessary in order to accomplish the work. Such expenditures may include, but are not limited to, buying products wholesale for resale and renting equipment to accomplish a task. Expenditures which are not deductible include, but are not limited to, transportation costs, uniforms, and depreciation of equipment. (3-19-99)

11. Severance Pay. An equal portion of a periodic severance payment must be reported in each week of the period covered by the payment. However, severance pay received in a lump sum payment at the time of severance of the employment relationship must be reported when paid. (3-19-99)

12. Vacation Pay. Vacation pay allocable to a certain period of time in accordance with an employment agreement must be reported in the week to which it is allocable. However, vacation pay received in a lump-sum payment at the time of severance of the employment relationship must be reported when paid. (3-19-99)

13. Verification Of Earnings On Claim Reports. The Department may verify the earnings and/or reasons for separation reported by claimants on claim reports filed for benefit payments. Ref. Sec. 72-1368(1), Idaho Code. (3-19-99)

14. Wages For Contract Services. A person who is bound by a contract which does not prevent him from accepting other employment but who receives pay for a period of not

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working, is required to report the contract payments as earnings in equal portions in each week of the period covered by the contract. This rule does not apply to employees of educational institutions. (3-19-99)

15. Wages For Services Performed Prior To Separation. Wages for services performed prior to a claimant's separation are reportable for the week in which earned. (3-19-99)

Senate Commerce and Human Resources Committee

IDAPA 09 - DEPARTMENT OF COMMERCE AND LABOR

09.01.35 - RULES OF THE EMPLOYER ACCOUNTS BUREAU

DOCKET NO. 09-0135-0401

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final approval. The pending rule becomes final and effective July 1, 2005, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 67-4702, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

There are no changes to the pending rule. The pending rule is being adopted as originally proposed. The original text of the proposed rule was published in the October 6, 2004, Idaho Administrative Bulletin, Volume 04-10, pages 220 and 221.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Mark Whitworth, Bureau Chief, 332-3570 ext 3266.

DATED this 17th day of November, 2004.

The Following Notice Was Published With The Proposed Rule

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency proposed rulemaking. The action is authorized pursuant to Section(s) 67-4702, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 20, 2004.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Senate Commerce and Human Resources Committee

DEPARTMENT OF COMMERCE AND LABOR
Rules of the Employer Accounts Bureau

Docket No. 09-0135-0401
PENDING RULE

The proposed change to IDAPA 09.01.35.040 clarifies that in order to qualify for a “good cause” waiver of the penalties imposed by the Employment Security Law, an employer must approach the Department to inquire about appropriate treatment of workers for tax purposes.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rule making was not conducted because the rule is being amended to clarify the waiver eligibility criteria in an existing rule.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Mark Whitworth, Bureau Chief, 332-3570 ext. 3266.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2004.

DATED this 25th day of August, 2004.

Mark Whitworth
Bureau Chief
Employer Accounts Bureau
Department of Commerce and Labor
317 W. Main Street, Boise, ID 83735
Phone: 332-3570 ext. 3266
Fax: 334-6301

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

040. COMPROMISE OF PENALTY.

Pursuant to Section 72-1354, Idaho Code, the Director or his authorized representative may, for good cause shown, compromise the amount of penalties owed on an employer account. An employer shall submit a request in writing for compromise of penalties, setting forth the reason(s) for the delinquency, and attaching any available evidence supporting the request. (3-19-99)

01. Good Cause. An employer has good cause for the failure to timely pay contributions when, in the opinion of the Director or his authorized representative, the employer has established that one (1) of the following criteria has been met: (3-19-99)

a. The reason for the delinquency was beyond the reasonable control of the employer. Examples of circumstances that are beyond the reasonable control of the employer include, but are not limited to, the following: (3-19-99)

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i. Departmental error, including but not limited to providing incorrect information to the employer or not furnishing proper forms in sufficient time to permit timely payment of contributions; (3-19-99)

ii. Death or serious illness or injury of the employer or the employer's accountant or members of their immediate families; (3-19-99)

iii. Destruction by fire or other casualty of the employer's place of business or business records; or (3-19-99)

iv. Postal service delays. (3-19-99)

b. The delinquency was due to circumstances for which the imposition of penalties would be inequitable. (3-19-99)

c. Good cause is also established in the case of an employer who has never received a status determination, who has never paid any contributions to the director, who voluntarily approaches the Department to inquire as to whether workers are engaged in covered employment, and the failure to pay contributions was due to the employer's good faith belief that the employer was not a covered employer pursuant to the provisions of Idaho Employment Security Law. Ref. Sec. 72-1354, Idaho Code. (~~3-19-99~~)()

Senate Commerce and Human Resources Committee

IDAPA 09 - DEPARTMENT OF COMMERCE AND LABOR

09.01.35 - RULES OF THE EMPLOYER ACCOUNTS BUREAU

DOCKET NO. 09-0135-0402

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final approval. The pending rule becomes final and effective July 1, 2005, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 67-4702, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

There are no changes to the pending rule. The pending rule is being adopted as originally proposed. The original text of the proposed rule was published in the October 6, 2004, Idaho Administrative Bulletin, Volume 04-10, pages 222 and 223.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Mark Whitworth, Bureau Chief, 332-3570 ext. 3266.

DATED this 17th day of November, 2004.

The Following Notice Was Published With The Proposed Rule

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency proposed rulemaking. The action is authorized pursuant to Section(s) 67-4702, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 20, 2004.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Senate Commerce and Human Resources Committee

DEPARTMENT OF COMMERCE AND LABOR
Rules of the Employer Accounts Bureau

Docket No. 09-0135-0402
PENDING RULE

The proposed change to IDAPA 09.01.35.134 would require a professional employer organization (PEO) to elect, for each client employer, either the PEO's experience rate or the client employer's experience rate. The change eliminates the option of reporting the workers of the client employer under the PEO's experience rate without transferring the prior benefit claims experience of the client employer.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rule making was not conducted because the rule is being changed to comport with a recent federal statutory law change.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Mark Whitworth, Bureau Chief, 332-3570 ext. 3266.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2004.

DATED this 25th day of August, 2004.

Mark Whitworth
Bureau Chief
Employer Accounts Bureau
Department of Commerce and Labor
317 W. Main Street
Boise, ID 83735
Phone: 332-3570 ext. 3266
Fax: 334-6301

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

134. PROFESSIONAL EMPLOYER ORGANIZATIONS.

A professional employer organization shall fully comply with the requirements of the Professional Employer Recognition Act, Chapter 24, Title 44, Idaho Code in order to be eligible for any transfers of experience rating as allowed by Section 72-1349B, Idaho Code. (3-15-02)

01. Methods of Reporting. To report the wages and employees covered by the professional employer arrangement between a professional employer and client, professional employers and their clients shall make reports to the Department in one (1) of the following ways, subject to the conditions in Subsections 134.02 through 134.06 of this rule: (3-15-02)

- a.** Report the workers included in the professional employer arrangement under the

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DEPARTMENT OF COMMERCE AND LABOR Rules of the Employer Accounts Bureau

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PENDING RULE

employer account number of the professional employer and transfer the rate of the client to the professional employer; or (3-15-02)

~~b. Report the workers included in the professional employer arrangement under the account number of the professional employer without transferring the experience rate of the client to the professional employer; or (3-15-02)~~

eb. Report the workers included in the professional employer arrangement under the employer account number of the client without an experience rate transfer. Ref. Sec. 72-1349B, Idaho Code. (3-15-02)

02. Joint Transfer of Experience Rate. In order to effect a transfer of a client's experience rate into the experience rate of a professional employer organization, both the client and the professional employer organization shall jointly apply for the transfer of the experience rate within the same timeframes as required of employers by Section 72-1351(4), Idaho Code, from the date of the ~~agreement~~ contract entered into between the professional employer organization and the client required by Section 44-2405, Idaho Code. Failure to submit a timely joint request for transfer of experience rate shall result in the professional employer organization reporting wages for the client under the employer account number of the client. Ref. Sec. 72-1351(4), Idaho Code. (3-20-04)()

03. Partial Transfers of Experience Rate Prohibited. In the event that a client and a professional employer organization jointly apply to transfer the experience rate of the client into that of the professional employer, the client's entire experience rate and factors of experience rate shall be transferred into that of the professional employer, and no partial transfers of experience factors or the experience rate shall be allowed. Ref. Sec. 72-1349B, Idaho Code. (3-15-02)

04. Mandatory Transfer of Experience Rate. If the professional employer organization elects to report the workers assigned to the client under the experience rate of the professional employer, and the client employer has a deficit experience rate, the experience rate transfer shall be mandatory. Ref. Sec. 72-1351, and 72-1349B, Idaho Code. (3-15-02)

05. Partial Reporting of Workers. If some of the client's workers are included in the professional employer arrangement and some are not included, and the professional employer organization and the client elect to report the workers included in the professional employer arrangement under the employer account number of the client, then only one (1) quarterly report shall be remitted to the Department, which shall list or include all the client's workers whether or not included in the professional employer arrangement. Ref. Sec. 72-1349B, Idaho Code. (3-15-02)

06. Combined Wages or Services for Purposes of Coverage. If a client employer has employees or employment, or both, that does not independently meet the coverage or threshold requirements necessary to constitute covered employment, such employees, services or employment shall nonetheless be deemed to meet the coverage requirements of the Employment Security Law if, in combination with other employees, employment or services of such other employees of the professional employer organization or any of its clients, such wages, services or employees do jointly meet coverage requirements. (3-15-02)

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IDAPA 09 - DEPARTMENT OF COMMERCE AND LABOR

09.02.04 - IDAHO GEM COMMUNITY IMPLEMENTATION GRANT PROGRAM

DOCKET NO. 09-0204-0401

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final approval. The pending rule becomes final and effective July 1, 2005, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 67-4702, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

There are no changes to the pending rule. The pending rule is being adopted as originally proposed. The original text of the proposed rule was published in the October 6, 2004, Idaho Administrative Bulletin, Volume 04-10, pages 224 through 230.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jerry Miller, Rural Development Specialist, 332-3570 ext. 2143.

DATED this 17th day of November, 2004.

The Following Notice Was Published With The Proposed Rule

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency proposed rulemaking. The action is authorized pursuant to Section 67-4702, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 20, 2004.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and

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purpose of the proposed rulemaking:

The proposed rule changes to IDAPA 09.02.04 eliminate the requirement that rural communities be certified as “Gem Communities” to be eligible for a Gem Community Implementation Grant. The program will be renamed the “Idaho Gem Grant Program” to reflect this change. This change will make Idaho Gem Grant funds more accessible to rural communities that lack the resources to support certification as a “Gem Community.” The intent, goals and application of the program will remain the same.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rule making was not conducted because of the nature of the proposed changes.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Jerry Miller, Rural Development Specialist, 332-3570 ext. 2143.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2004.

DATED this 25th day of August, 2004.

Jerry Miller
Rural Development Specialist
Department of Commerce and Labor
700 West State Street
P.O. Box 83720
Boise, ID 83720-0093
Phone: 332-3570 ext. 2143
Fax: 334-2631

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

IDAPA 09 **TITLE 02** **CHAPTER 04**

IDAHO GEM ~~COMMUNITY IMPLEMENTATION~~ GRANT PROGRAM

000. LEGAL AUTHORITY.

The Idaho Gem Community Action Grant Program was created as part of Governor Kempthorne's Rural Development Initiative. The First Regular Session of the 56th Idaho State

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~~Legislature made funds available to create the Gem Community Implementation Grant (GCI) Program within the Idaho Department of Commerce and Labor (IDC). These rules are promulgated under the legal authority of Section 67-4702, Idaho Code.~~ (3-15-02)()

001. TITLE AND SCOPE.

01. Title. These rules shall be ~~known~~ cited as IDAPA 09.02.04, "Idaho Gem Community Implementation Grant Program". (3-15-02)()

02. Scope. ~~These rules establish the process for application for and awarding of Idaho Gem Community Implementation Grants.~~ The Idaho Gem Grant (IGG) Program was created as part of Governor Kempthorne's Rural Development Initiative. Successive sessions of the Idaho State Legislature made funds available to the Idaho Department of Commerce and Labor to fund the Governor's IGG Program. These rules implement the Department's procedures for project selection, award and disbursement of grant moneys for the Governor's IGG Program. (3-15-02)()

002. WRITTEN INTERPRETATIONS.

~~The Idaho Department of Commerce and Labor may have written statements that pertain to the interpretation of the rules of this chapter, or to the documentation of compliance with the rules of this chapter. If available, written statements can be inspected and copied at the Idaho Department of Commerce and Labor, 700 W State Street, Boise, Idaho 83720-0093. The Department has no written interpretations of these rules.~~ (3-15-02)()

003. ADMINISTRATIVE APPEALS.

~~Persons may be entitled to appeal final agency actions authorized under this chapter pursuant to Section 67-5270, Idaho Code, and IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General".~~ The award of grants under the IGG Program is a discretionary action to be performed by the Department. There is no provision for administrative appeal under these rules. (3-15-02)()

004. INCORPORATION BY REFERENCE.

~~These rules do not contain documents incorporated by reference.~~ The IGG Program Handbook is incorporated herein by reference. Copies of this document are available for public inspection and copying at the address indicated below or through the internet at: www.idoc.state.id.us/idcomm/comdev/grantprogram.html. (3-15-02)()

005. OFFICE -- OFFICE HOURS ~~OFFICE HOURS~~, MAILING ADDRESS, AND STREET ADDRESS.

The headquarters ~~office~~ of the Idaho Department of Commerce and Labor is in Boise, Idaho. ~~This office is open~~ hours are from 8 a.m. to 5 p.m. except Saturdays, Sundays and legal holidays. The Department's mailing address, ~~unless otherwise indicated,~~ for information regarding the IGG Program is: Idaho Department of Commerce and Labor, P.O. Box 83720, Boise ID 83720-0093. The street address is 700 West State Street, Boise, Idaho. The telephone number is (208) 334-2470 and the FAX number is (208) 334-2631. (3-15-02)()

006. PUBLIC RECORDS ACT COMPLIANCE.

~~All records relating to this chapter are public records except to the extent such records are by law~~

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~~exempt from disclosure.~~ All rules contained in this chapter are subject to and in compliance with the Idaho Public Records Act (Title 9, Chapter 3, Idaho Code). (3-15-02)()

007. -- 011. (RESERVED).

012. PRIMARY OBJECTIVES.

~~01. Primary Objective.~~ The primary objectives of the ~~Gem Community Implementation Grant~~ IGG Program ~~is~~ are to fund community development projects of ~~Certified Gem rural~~ Certified Gem rural ~~Communities~~ Communities for the purpose of: (3-15-02)()

~~a~~01. Improving the Local Economy. (2-7-94)

~~b~~02. Retaining or Creating Jobs. (2-7-94)

~~c~~03. Promoting the Community for Economic Development and Tourism. (2-7-94)

~~d~~04. Assisting Business Expansion and Diversification. (2-7-94)

013. ELIGIBLE APPLICANTS.

~~Active Certified Gem Idaho rural~~ Certified Gem Idaho rural ~~Communities~~ Communities under ten thousand (10,000) persons and other ~~Active Certified Gem Idaho rural~~ Certified Gem Idaho rural ~~Communities~~ Communities at the discretion of the ~~d~~Director of the Department of Commerce and Labor are eligible to apply for ~~GCI grants for~~ IGGs up to a maximum of fifty thousand dollars (\$50,000). ~~GCI grants shall be made~~ IGGs to ~~cities/counties of active certified Gem Communities. The grants city and county governments may be~~ cities/counties of active certified Gem Communities. The grants city and county governments may be administered by their designees as established by formally adopted resolutions. (3-15-02)()

014. ELIGIBLE ACTIVITIES.

For a project to be eligible for ~~GCI~~ IGG funding the project must meet ~~the following conditions:~~ one (1) or more of the IGG program's primary objectives listed in Section 012 of these rules. (3-15-02)()

~~01. Project Concept.~~ The project concept must be included in the applicant's current ~~Gem Community one year plan.~~ (2-7-94)

~~02. Purpose Of Project.~~ The purpose of the project must be consistent with one (1) or more of the ~~GCI program objectives listed in Section 012.~~ (3-15-02)

015. ELIGIBLE COSTS.

01. Eligible Costs. Eligible costs for the use of ~~GCI~~ IGG funds are limited to: (3-15-02)()

a. Materials. (2-7-94)

b. Construction contracts. (2-7-94)

c. Architect and engineering services and legal and professional services required for

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- project implementation. (3-15-02)
- d. Equipment. (2-7-94)
 - e. Equipment installation. (2-7-94)
 - f. Advertising. (2-7-94)
 - g. Printing. (2-7-94)
 - h. Construction of infrastructure for economic expansion. (3-15-02)
 - i. Rehabilitation ~~and~~ development of public property to support business development. (~~3-15-02~~)()
 - j. Acquisition of real estate for business development. (3-15-02)
 - k. Matching funds for other state, federal and foundation economic development grants. (~~3-15-02~~)()

016. INELIGIBLE ACTIVITIES/COSTS.

~~Gem Community Implementation Grant~~ IGG funds shall not be used for: (~~3-15-02~~)()

01. Payroll Costs. Payroll costs for city, county, development corporation or other community agencies. (2-7-94)

02. Real Property Acquisition. Construction, rehabilitation, or operation of schools, general government facilities, jails or state facilities. (3-15-02)

03. Administrative Costs. Expenses related to administering ~~Gem Community Implementation Grants~~ IGGs will not be reimbursable to the grantee from ~~GCI~~ IGG funds. (~~3-15-02~~)()

04. Political Activities. ~~GCI~~ IGG funds shall not be used for political purposes or to engage in lobbying or other partisan political activities. (~~3-15-02~~)()

05. Religious Activities. ~~GCI~~ IGG funds shall not be used for the construction, rehabilitation or operation of active churches or religious structures used for religious purposes. (~~3-15-02~~)()

017. SELECTION.

The ~~GCI grant~~ IGG process is competitive on a quarterly cycle and is dependant upon grant fund availability. All Active Certified Gem Communities are eligible to apply for funding at any time depending upon grant fund availability. A two (2) step review process is used The following process will be used to select which eligible proposals will be funded: (~~3-15-02~~)()

01. Review of Proposals. ~~The Gem Community~~ Department staff reviews proposals for completeness, ~~allowable costs~~ and compliance with ~~grant~~ these rules and makes

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recommendations for funding to the ~~IDC~~ Department's Director. (2-7-94)()

02. Grant Awards. The ~~IDC~~ Department's Director, in his sole discretion, makes all ~~GCI grant~~ IGG awards. The Director may make grant awards at any time the Director determines it necessary to take advantage of special opportunities that further the primary objectives of the IGG Program. (3-15-02)()

03. ~~Director Discretion.~~ ~~The IDC Director may make grant awards at any time to take advantage of special opportunities.~~ (3-15-02)

018. -- 019. (RESERVED).

020. APPLICATION PROCESS.

01. Applications. Applications for ~~Gem Community Implementation Grants~~ IGGs may be submitted by eligible communities at any time. (3-15-02)()

02. Application For Funding. Application for funding is made by submitting one (1) copy of the grant proposal in the required format to the ~~Idaho Department of Commerce and Labor.~~ (2-7-94)()

021. -- 029. (RESERVED).

030. PROPOSAL FORMAT.

~~GCI~~ IGG applications shall be submitted on eight and one-half by eleven inches (8 1/2" x 11") white paper. The text shall be typed, with numbered pages. The types of headings, required content and numbering systems ~~are optional to the applicant~~ shall conform to the latest revision of the IGG Handbook. ~~The proposal should contain the following information and sections:~~ (3-15-02)()

01. ~~Cover Page.~~ ~~The cover should include one (1) signature from each city council/ mayor and county commission of the community. The designated grant administrator and a contact person should also be named on the cover page.~~ (2-7-94)

02. ~~Table Of Contents.~~ (2-7-94)

03. ~~Project Description.~~ ~~Include a brief narrative description of the project that contains:~~ (2-7-94)

a. ~~Project need and benefits expected.~~ ~~Reference the project's purpose in the Community one (1) year plan.~~ (2-7-94)

b. ~~Time line.~~ ~~Show anticipated start date, end date and projected times for completion of major components of the project.~~ (2-7-94)

c. ~~The applicant shall include a description of the proposed administration of the project and how the accounting will be performed. If the lead community economic development organization or one city or county in a multi city/county community is to be named grant~~

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~~administrator, a formally adopted resolution designating the administrator shall be included in the proposal.~~ (2-7-94)

~~04. **Project Budget.** Applicants must show a line item breakdown for the use of the GCI funds and the amount and use of matching funds. Applicants shall also include the following:~~ (3-15-02)

~~a. A narrative explaining donations used for match, and how they will contribute to the completion of the project.~~ (2-7-94)

~~b. Letters of commitment of matching funds. All sources of matching funds shall be documented by including letters of commitment from the donor.~~ (2-7-94)

~~c. Formally adopted resolutions from each city council and county commission of the certified community.~~ (3-15-02)

031. MATCHING FUNDS.

All ~~GCI~~ IGG grantees must provide a minimum of twenty percent (20%) matching funds of either cash or in-kind donations for the ~~GCI~~ total amount of IGG funds received. Matching funds can be comprised of any combination of cash and in-kind donations and must meet the following criteria: (3-15-02)()

01. ~~Match~~ **Source.** Matching funds can be from private, local, state, federal, or foundation sources. (2-7-94)()

02. **Relation to Project.** All matching funds must be related to the planning, implementation or operation of the project being funded. (2-7-94)()

03. **Documentation of Matching Funds.** Matching funds must be documented by receipt, invoice, time cards, or by other written documentation signed by the donor. (2-7-94)()

04. ~~GCI~~ **IGG Funds.** ~~GCI~~IGG funds may be used ~~to~~ as matching funds for other state, federal and foundation grant ~~funds~~programs. (3-15-02)()

05. **Administrative Expenses Used as Matching Funds.** Up to two thousand five hundred dollars (\$2,500) of the grantee's ~~administrator's~~ administrative expenses related to the project being funded may be used as matching funds for the grant. (3-15-02)()

032. GRANT PAYMENT.

Payment of ~~GCI grants~~ IGGs will be made in the following manner: (3-15-02)()

01. **Payment of Funds.** Grantees shall ~~normally~~ receive payment of ~~GCI~~ IGG funds on a cost reimbursement basis. Grant payment procedures will be established in the ~~GCI Grant~~ IGG Contract. To receive reimbursement, the grantee must submit receipts and matching funds documentation to the Department for the ~~grant~~ reimbursement amount being requested. The Department will reimburse allowable costs up to the maximum grant amount for which both receipts and matching funds ~~is~~ documentation have been provided. The grantee shall be

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responsible for any discrepancies in documentation.

(3-15-02)()

02. Special Circumstances. In special circumstances due to the small size of the community or the nature of the project, grantees may request receipt of ~~GCI~~ IGG funds on other than a cost reimbursement basis. The Department will review the requests and determine ~~the~~ in its sole discretion whether different payment procedures ~~necessary~~ are warranted to avoid hardship to the community.

(3-15-02)()

033. REPORTING.

All ~~GCI grant~~ IGG recipients are required to submit the following two (2) reports:

(3-15-02)()

01. Status Report. A status report is required with each request for payment. It should contain the following information:

(3-15-02)

a. A short narrative outlining the project status, successes, and problems, ~~etc. and~~

(2-7-94)()

b. Press clippings, pictures and other information about the project as available.

(2-7-94)

02. Final Report. All grantees shall submit a final report containing the following information:

(2-7-94)

a. A narrative describing the success of the project.

(2-7-94)

b. A description of the impact the project has had and will have on the community including long term benefits anticipated.

(2-7-94)

c. A description of any special contributions or work provided on the project.

(2-7-94)

d. Any other information, pictures or press clippings about the project that have not already been submitted; ~~i.e., pictures, press clippings, etc.~~

(2-7-94)()

(BREAK IN CONTINUITY OF SECTIONS)

035. CONFLICT OF INTEREST.

No official, officer, employee, family member or agent of the Department ~~of Commerce and Labor~~, or of a grantee, shall profit financially, directly or indirectly, from ~~GCI~~ IGG funds under their direction or control.

(3-15-02)()

036. CREDIT STATEMENT.

All activities funded by the ~~Idaho Gem Community Implementation Grant~~ IGG ~~p~~Program shall credit the program. The following credit statement ~~will~~ shall be placed on all ~~GCI~~ IGG funded

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brochures, slide shows, videos, films, displays, advertising, press releases and other printed materials: "This publication made possible by an Idaho Gem Grant, Idaho Department of Commerce and Labor" or "paid, Idaho Gem Grant, Idaho Department of Commerce and Labor."
(3-15-02)()

~~01. Credit Statement. "This publication made possible by a Gem Community Implementation Grant, Idaho Department of Commerce and Labor" or "paid, Gem Community Implementation Grant, Idaho Department of Commerce and Labor".~~
(3-15-02)

021. Failure to Comply. Failure to ~~comply with~~ crediting the ~~GCI grant~~ IGG pProgram could jeopardize payment of as required above may, at the Department's sole discretion, disqualify the grantee from receiving IGG funding for that portion of the project for which credit was not given.
(3-15-02)()

032. Other Credit. Credit may also be given to other sources of assistance. (2-7-94)

037. -- 039. (RESERVED).

040. BID PROCESS FOR THE PURCHASE OF GOODS OR SERVICES OVER \$25,000.

~~GCI~~ IGG grantees shall contact a minimum of three (3) vendors for quotes or bids for the purchase of goods or services over twenty-five thousand dollars (\$25,000). Prior to reimbursement for such costs, the ~~appropriate~~ following information shall be submitted to the Department ~~which documents the following~~:
(3-15-02)()

01. Item or Service (~~To Be~~) Purchased. A detailed description of the item or service purchased or to be purchased.
(2-7-94)()

02. ~~Written Record~~ Bid Verification. ~~A~~ Written ~~record~~ documentation of three (3) or more ~~companies~~ businesses or vendors contacted by IGG grantees for bids or quotes. The documentation must ~~list~~ the businesses or vendors contacted and indicate their response. The documentation must also ~~include those~~ a list of all businesses or vendors contacted whether or not a response was received.
(2-7-94)()

03. Reasons for Selection. Grantees ~~reasoning~~ justification for ~~selecting the vendor chosen~~ the business or vendor selected.
(2-7-94)()

(BREAK IN CONTINUITY OF SECTIONS)

042. LOSS OF PROJECT ~~LOSES~~ VIABILITY.

It is the responsibility of the IGG grantee to give immediate written notification to the Department as soon as the grantee becomes aware that its project has lost viability. If a project loses its viability after selection for funding and prior to any expenditure of ~~GCI~~ IGG funds, the project may shall be terminated by mutual agreement of the grantee and the Department and the Department's IGG award shall be voided. The community retains its eligibility to apply for GCI

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~~funds.~~ If a project loses its viability after the grantee expends IGG funds, the grantee must immediately stop all expenditures of IGG funds and return all unspent IGG funds to the Department. The Department may, in its sole discretion, agree to modify, restructure or amend the project. (3-15-02)()

~~01. **Lose Of Viability.** If a project loses its viability after the grantee expends GCI funds, the grantee must notify the Department as soon as possible. Reasonable efforts may be made to modify, restructure or amend the project contract at the discretion of the Department.~~ (3-15-02)

~~02. **Termination Of Funding.** Funding for projects may be terminated by the Department at any time for gross misuse or abuse of funds. Upon receipt of a notice of termination the grantee will stop all expenditures of GCI funds and return all unspent GCI funds to the Department. The Department will make a fair and reasonable final payment to the grantee based on the work completed, allowable costs incurred and documentation provided.~~ (3-15-02)

043. TERMINATION OF FUNDING.

Funding for projects may be terminated by the Department at any time for the misuse of IGG funds. Upon receipt of a written notice of termination from the Department, the grantee must immediately stop all expenditures of IGG funds and return all unspent IGG funds to the Department. The Department will make a final payment to the grantee based on the work completed, allowable costs incurred and the documentation provided by the grantee as required by these rules. ()

0434. -- 999. (RESERVED).

Senate Commerce and Human Resources Committee

IDAPA 10 - IDAHO BOARD OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS

10.01.02 - RULES OF PROFESSIONAL RESPONSIBILITY

DOCKET NO. 10-0102-0401

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1208, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The proposed rule would require that registrants be complete, objective and truthful in all communications with clients.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the August 4, 2004 Idaho Administrative Bulletin, Volume 04-8, pages 132 and 133.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact David L. Curtis at (208) 334-3860.

DATED this 20th day of September, 2004.

The Following Notice Was Published With The Proposed Rule

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to Section 54-1208, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 18, 2004.

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PROFESSIONAL ENGINEERS & LAND SURVEYORS **Rules of Professional Responsibility**

Docket No. 10-0102-0401
PENDING RULE

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The proposed rule amendment would require that registrants be complete, objective and truthful in all communications with clients.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was conducted. The Board received only one comment which was a letter from the American Council of Engineering Companies of Idaho and it stated support for the proposed new rule.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact David L. Curtis at (208) 334-3860.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 25, 2004.

DATED this 26th day of June, 2004.

David L. Curtis, P.E., Executive Director
Board of Registration of Professional Engineers and Professional Land Surveyors
600 S. Orchard, Suite A
Boise, Idaho 83705-1242
Telephone (208) 334-3860
Fax (208) 334-2008

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

005. RESPONSIBILITY TO THE PUBLIC.

01. Primary Obligation. All Registrants and Certificate Holders shall at all times recognize their primary obligation is to protect the safety, health and welfare of the public in the performance of their professional duties. (7-1-93)

02. Standard of Care. Each Registrant and Certificate Holder shall perform in accordance with the standard of care for the profession and is under duty to the party for whom the service is to be performed to exercise such care, skill and diligence as others in that profession ordinarily exercise under like circumstances. (7-1-93)

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PROFESSIONAL ENGINEERS & LAND SURVEYORS **Rules of Professional Responsibility**

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03. Professional Judgement. If any Registrant's or Certificate Holder's professional judgement is overruled under circumstances where the safety, health and welfare of the public are endangered, the Registrant or Certificate Holder shall inform the employer or client of the possible consequences and, where appropriate, notify the Board or such other authority of the situation. (7-1-93)

04. Obligation to Communicate Discovery of Discrepancy. If a Registrant or Certificate Holder, during the course of his work, discovers a material discrepancy, error, or omission in the work of another Registrant or Certificate Holder, which may impact the health, property and welfare of the public, the discoverer shall make a reasonable effort to inform, in writing, the Registrant or Certificate Holder whose work is believed to contain the discrepancy, error or omission. Such communication shall reference specific codes, standards or physical laws which are believed to be violated and identification of documents which are believed to contain the discrepancies. The Registrant or Certificate Holder whose work is believed to contain the discrepancy shall respond in writing within sixty (60) calendar days to any question about his work raised by another Registrant or Certificate Holder. Failure to respond on the part of the Registrant or Certificate Holder whose work is believed to contain the discrepancy shall be considered a violation of these rules and may subject the Registrant or Certificate Holder to disciplinary action by the Board. The discoverer shall notify the Board in the event a response satisfactory to the discoverer is not obtained within sixty (60) days. (3-30-01)

05. Obligation to Comply with Rules of Continuing Professional Development. All Registrants licensed to practice professional land surveying shall comply with the requirements contained in IDAPA 10.01.04, "Rules of Continuing Professional Development". (7-1-99)

06. Obligation to Communicate with Clients. A Registrant shall be complete, objective and truthful in all communications with clients. ()

Senate Commerce and Human Resources Committee

IDAPA 12 - DEPARTMENT OF FINANCE

12.01.08 - RULES PURSUANT TO THE IDAHO SECURITIES ACT

DOCKET NO. 12-0108-0401 (CHAPTER REPEAL)

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This pending rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 30-14-605, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the pending rule with an explanation of the reasons for any change.

There are no changes to the pending rule. The pending rule is being adopted as proposed and is repealed in its entirety. The complete text of the proposed rule was published in the September 1, 2004 Idaho Administrative Bulletin, Vol. 04-9, page 59.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Marilyn Chastain, 332-8070.

DATED this 29th day of October, 2004.

The Following Notice Was Published With The Temporary And Proposed Rule

EFFECTIVE DATE: The effective date of the temporary rule is September 1, 2004.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 30-14-605(a), Idaho Code, [effective September 1, 2004]. Repeal of the current rules is authorized by Section 30-1448, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 15, 2004.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation

Senate Commerce and Human Resources Committee

DEPARTMENT OF FINANCE
Rules Pursuant to the Uniform Securities Act

Docket No. 12-0108-0401 (Chapter Repeal)
PENDING RULE

must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking: Repeal of these rules is necessary to implement the new Uniform Securities Act (2004) adopted by the legislature in the 2004 session and made effective September 1, 2004. Current rules pertaining to the repealed (as of September 1, 2004) Idaho Securities Act must be rescinded.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(a) and (b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: The new rule will provide significant protections to investors, businesses and the proper operation of the securities markets. The repeal of this rule is needed immediately to implement the new Uniform Securities Act (2004) that is effective on September 1, 2004.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because extensive discussions were held with interested parties when drafting the Uniform Securities Act (2004), and copies of these rules have been sent to interested parties for comment.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Marilyn Chastain, 332-8070.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 22, 2004.

DATED this 5th day of August, 2004.

Marilyn T. Chastain, Securities Bureau Chief
Securities Bureau, Idaho Department of Finance
Street address: 700 West State Street, 2nd Floor, Boise, ID 83702
Mailing address: P.O. Box 83720, Boise, ID 83720-0031
Telephone: (208) 332-8070 / Fax: (208) 332-8099

IDAPA 12.01.08 IS BEING REPEALED IN ITS ENTIRETY.

Senate Commerce and Human Resources Committee

IDAPA 14 - BOARD OF REGISTRATION OF PROFESSIONAL GEOLOGISTS

14.01.01 - RULES OF PROCEDURE OF THE BOARD OF REGISTRATION OF PROFESSIONAL GEOLOGISTS

DOCKET NO. 14-0101-0401

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-2808, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed with no changes. The complete text of the proposed rule was published in the October 6, 2004 Idaho Administrative Bulletin, volume 04-10, pages 327 through 330.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Margaret Odedo, Administrative Assistant, at (208) 334-2268.

DATED this 28th day of October, 2004.

The Following Notice Was Published With The Proposed Rule

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-2808, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 20, 2004.

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BOARD OF REGISTRATION OF PROFESSIONAL GEOLOGISTS Procedure of Professional Geologists Registration Board

**14-0101-0401
PENDING RULE**

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rulemaking updates the physical address of the Board.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

No fee or charge is imposed or increased pursuant to this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the address correction is non-controversial.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Margaret Odedo, Administrative Assistant, at (208) 334-2268.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2004.

DATED this 24th day of August, 2004.

Margaret Odedo
Administrative Assistant
Idaho Board of Registration of Professional Geologists
3350 Americana Terrace, Ste. 243
P. O. Box 83720
Boise, ID 83720-0033
Phone: (208) 334-2268
Fax: (208) 334-5211

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

100. GENERAL PROVISIONS.

01. Offices. The principal office of the board shall be maintained at ~~550 West State Street~~ 3350 Americana Terrace, Suite 243, Boise, Idaho. The mailing address is P.O. Box 83720, Boise, Idaho 83720-0033; to which all correspondence, including remittances and renewal fees, shall be directed. The telephone number of the board is (208) 334-2268. ~~(3-13-02)~~(____)

02. Meetings. The board shall meet at least once each year at the call of the chairman, within ninety (90) days following the annual examinations; the board shall elect a chairman, vice-

Senate Commerce and Human Resources Committee

BOARD OF REGISTRATION OF PROFESSIONAL GEOLOGISTS **Procedure of Professional Geologists Registration Board**

14-0101-0401
PENDING RULE

chairman, and secretary at such annual meeting. In addition to this annual meeting, the chairman may call special meetings from time to time when, in his opinion, it is deemed necessary, or upon the written request of any three (3) members of the board. (7-1-93)

03. Order Of Business. The order of business at meetings shall be as follows: (7-1-93)

a. Reading of minutes; (7-1-93)

b. Financial report; (7-1-93)

c. Reports of officers; (7-1-93)

d. Reports of committees; (7-1-93)

e. Reading of communications; (7-1-93)

f. Unfinished business; (7-1-93)

g. New business; (7-1-93)

h. Consideration of applications, examinations, and fees; (7-1-93)

i. Consideration of petitions, complaints, suspensions, and revocations; (7-1-93)

j. Miscellaneous; (7-1-93)

k. Adjournment. (7-1-93)

l. Robert's Rules of Order shall govern procedure of the board except as otherwise provided by the act or these rules. (7-1-93)

04. Officers. Officers elected from the board shall be chairman, vice-chairman, and secretary. An assistant secretary may be selected who need not be a member of the board. (7-1-93)

a. The chairman shall be the executive head of the board; shall when present preside at meetings; shall appoint committees; and shall perform all the duties pertaining to the office of chairman. (7-1-93)

b. The vice-chairman shall, in the absence or incapacity of the chairman, exercise the duties and possess all the powers of the chairman. (7-1-93)

c. The secretary shall, with assistance of an assistant secretary and staff as authorized by the board: (7-1-93)

i. Keep correct minutes of the board and furnish a copy to all members of the board; (7-1-93)

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BOARD OF REGISTRATION OF PROFESSIONAL GEOLOGISTS **Procedure of Professional Geologists Registration Board**

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- ii. Send written notice of all regular and special board meetings to each member not less than ten (10) days in advance thereof; (7-1-93)
- iii. Examine each application for registration and bring about necessary corrections or the supplying of missing or essential data in connection with such application prior to consideration thereof by the board; (7-1-93)
- iv. Address inquiries, where deemed necessary, to references or applicants to verify qualifications, experience, or character; (7-1-93)
- v. Make arrangements, as required by the board, for examinations, interviews, or hearings; (7-1-93)
- vi. Report to the board members the result of every examination and other evidence of qualification of each applicant; (7-1-93)
- vii. Prepare the required annual report and roster; (7-1-93)
- viii. Keep all records, including minutes, register of applicants and registrants, and roster; (7-1-93)
- ix. Receive and deposit all funds and fees, as provided by the act, and keep records of all receipts and disbursements; (7-1-93)
- x. Attend to all official correspondence of the board; (7-1-93)
- xi. Perform all other duties as prescribed by the act or which normally pertain to the office of secretary. (7-1-93)

05. Committees. Regular or special committees may be appointed by the chairman, as necessary, to perform special duties and shall present reports to the board at the time specified or at the earliest regular or special meeting of the board. (7-1-93)

06. Quorum. As provided in the act, a quorum shall be at least three (3) members of the board legally holding office at the time of meeting. Official business of the board shall be conducted only at board meetings with a quorum present. (7-1-93)

07. Fees. The fees for registration under the act shall be the following: (3-13-02)

a. The fee for application under the act shall be one hundred dollars (\$100). (3-13-02)

b. A non-refundable fee of twenty-five dollars (\$25) is set for processing each examination. (3-13-02)

i. The fee for the National examination is set at the current ASBOG rate for each Fundamentals examination and for each Principles and Practice examination. (3-13-02)

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ii. The fee for reexamination of a candidate failing his first examination shall be the same as Subsection 100.07.b. (3-13-02)

c. The fee for the initial certificate shall be twenty dollars (\$20) and the fee for replacing a lost, destroyed or mutilated certificate shall be twenty dollars (\$20). (3-13-02)

d. The fee for annual renewal of registration shall be as determined each year by the board, but shall not exceed one hundred dollars (\$100). Renewal fees are due annually by June 30. The amount of the first annual renewal fee for a registrant may, at the discretion of the board, be reduced appropriately on a prorated quarterly basis based upon the initial registration date in the preceding fiscal year. (7-1-93)

i. The fee for annual renewal of registration for any person seventy (70) years of age or older as of June 1 shall be half the current renewal fee. (3-13-02)

ii. The secretary shall notify each registrant by mail, to the last recorded address, not later than June 1 of each year giving date of expiration of the registrant's certificate and the amount of the renewal fee due by June 30 for the following year. (7-1-93)

iii. Failure on the part of any registrant to renew the certificate in June shall not deprive such person of the right of renewal, but the fee to be paid for renewal after June 30 shall be increased as prescribed in the act. (7-1-93)

08. Certificates. Certificates of registration shall be issued to each registrant, as prescribed by the act, on forms adopted by the board. Certificates shall be displayed by registrants in their place of business. A new certificate may be issued by the board, to replace one lost, destroyed or mutilated. Each certificate shall bear an individual number, as assigned to that particular registrant by the board, which number shall be included in the annual roster of registrants prepared by the secretary. (7-1-93)

09. Seals. (7-1-93)

a. The official seal of the board shall consist of a seal of the state of Idaho surrounded with the words Board of Registration for Professional Geologists. (7-1-93)

b. The board has adopted a seal similar to that illustrated for use of each registrant. To make use of the seal valid, registrant shall first write in ink his signature and date and then stamp over same with the seal. Either impression type or rubber stamp seal shall be valid.

SEE "APPENDIX A" AT END OF THIS CHAPTER

(7-1-93)

10. Address Change. Each applicant and registrant shall notify the board within sixty (60) days of any and all changes of address, giving both old and new address. (7-1-93)

11. Annual Report. An annual report shall be published by the board and mailed to the governor, secretary of state, each registrant, and to the public (upon request). The annual report shall contain, among other things: (7-1-93)

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BOARD OF REGISTRATION OF PROFESSIONAL GEOLOGISTS
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- a.** Copy of the act; (7-1-93)
- b.** Rules of procedure; (7-1-93)
- c.** Annual report of the board, summarizing all transactions; (7-1-93)
- d.** Excerpts or summary of annual financial report; (7-1-93)
- e.** Roster of registrants; (7-1-93)
- f.** Code of ethics; (7-1-93)
- g.** Current fee schedules; (7-1-93)

12. Amendments. The rules of procedure may be amended by a majority vote of board membership at any regular or special meeting of the board, after prior notice by publication as may be required by the provisions of Title 67, Chapter 52, Idaho Code. (7-1-93)

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IDAPA 17 - INDUSTRIAL COMMISSION

17.06.02 - BOILER AND PRESSURE VESSEL SAFETY RULES - ADMINISTRATION

DOCKET NO. 17-0602-0401

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 72-508, 72-720, 72-721, 72-722, and 72-723, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The proposed rule designated the appointment of a Chief Inspector by the Division of Building Safety Administrator, and designated the Chief Inspector as the Idaho representative to sit on the National Board of Boiler and Pressure Vessel Inspectors.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 6, 2004, Idaho Administrative Bulletin, Volume 04-10, page 402 through 403.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Tom Limbaugh, Commissioner, Industrial Commission, (208) 334-6000, or Dave Munroe, Administrator, Division of Building Safety, (208) 332-7100.

DATED this 17th Day of November, 2004.

The Following Notice Was Published With The Proposed Rule

AUTHORITY: In compliance with Sections 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section(s) 72-508, 72-720, 72-721, 72-722, and 72-723, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 20, 2004.

Senate Commerce and Human Resources Committee

INDUSTRIAL COMMISSION**Boiler and Pressure Vessel Safety Rules - Administration****Docket No. 17-0602-0401****PENDING RULE**

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Designates appointment of a Chief Inspector by the Division of Building Safety Administrator, and designates the Chief Inspector as the Idaho representative to sit on the National Board of Boiler and Pressure Vessel Inspectors.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted by the Industrial Commission.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Tom Limbaugh, Commissioner, Industrial Commission, (208) 334-6000, or Dave Munroe, Administrator, Division of Building Safety, (208) 332-7100.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2004.

DATED this 27th day of August, 2004.

Thomas E. Limbaugh, Commissioner
Industrial Commission
317 Main St.
PO Box 83720
Boise, Idaho 83720-0041
(208) 334-6000
(208) 334-2321

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

013. ~~(RESERVED)~~ IDAHO CHIEF INSPECTOR AND BOARD REPRESENTATIVE.

01. Chief Inspector. One (1) employee of the Department who has been trained, qualified, and received a Certificate of Competency as an inspector by the Board, shall, with the approval of the Commission, be appointed by the Administrator of the Division of Building Safety as the Chief Inspector for the state of Idaho. The Administrator of the Division of Building Safety shall assign the duties and responsibilities of the Chief Inspector. ()

02. State Board Representative. The Chief Inspector shall be designated by the

Senate Commerce and Human Resources Committee

INDUSTRIAL COMMISSION**Docket No. 17-0602-0401****Boiler and Pressure Vessel Safety Rules - Administration****PENDING RULE**

Administrator of the Division of Building Safety as the representative of the state of Idaho to the Board. The representative may participate in all functions and activities of the Board consistent with furthering the interest of the state in fostering Boiler and Pressure Vessel safety in Idaho.

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Senate Commerce and Human Resources Committee

IDAPA 17 - INDUSTRIAL COMMISSION

17.07.01 - SAFETY RULES FOR ELEVATORS, ESCALATORS AND MOVING WALKS

DOCKET NO. 17-0701-0401 (CHAPTER REPEAL)

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 72-508, 72-720, 72-721, 72-722, and 72-723, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The proposed rule repealed the entire chapter to comply with changes passed by the 2004 legislature removing safety inspections of elevators, escalators, and moving walks from Section 72-720, Idaho Code, under jurisdiction of the Industrial Commission and placing jurisdiction with the Division of Building Safety in Title 39, Chapter 86, that became effective July 1, 2004.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 6, 2004, Idaho Administrative Bulletin, Volume 04-10, page 404.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Tom Limbaugh, Commissioner, Industrial Commission, (208) 334-6000, or Dave Munroe, Administrator, Division of Building Safety, (208) 332-7100.

DATED this 17th Day of November, 2004.

The Following Notice Was Published With The Temporary And Proposed Rule

EFFECTIVE DATE: The effective date of the temporary rule is July 4, 2004.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 72-508, 72-720, 72-721, 72-722, and 72-723, Idaho Code.

Senate Commerce and Human Resources Committee

INDUSTRIAL COMMISSION**Safety Rules for Elevators, Escalators and Moving Walks****Docket No. 17-0701-0401 (Chapter Repeal)****PENDING RULE**

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 20, 2004.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reason for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Repeals the entire chapter to comply with changes passed by the 2004 legislature removing safety inspections of elevators, escalators and moving walks from Section 72-720, Idaho Code, under jurisdiction of the Industrial Commission and placing jurisdiction with the Division of Building Safety in Title 39, Chapter 86, that became effective July 1, 2004.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reason: Compliance with deadlines in amendments to governing law or federal programs.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted by the Industrial Commission.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Tom Limbaugh, Commissioner, Industrial Commission, (208) 334-6000, or Dave Munroe, Administrator, Division of Building Safety, (208) 332-7100.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2004.

DATED this 10th day of August, 2004.

Thomas E. Limbaugh, Commissioner
Industrial Commission
317 Main St.
PO Box 83720, Boise, Idaho 83720-0041
(208) 334-6000 / (208) 334-2321

IDAPA 17.07.01 IS BEING REPEALED IN ITS ENTIRETY.

Senate Commerce and Human Resources Committee

IDAPA 18 - DEPARTMENT OF INSURANCE

18.01.50 - ADOPTION OF THE 2003 INTERNATIONAL FIRE CODE

DOCKET NO. 18-0150-0401

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 41-211, 41-253 and 41-254, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed with no changes. The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 04-9, September 1, 2004, pages 163 through 166.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Mark Larson at (208) 334-4370.

The Following Notice Was Published With The Temporary And Proposed Rule

EFFECTIVE DATE: The effective date of the temporary rule is September 1, 2004.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 41-211, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 15, 2004.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of it supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance

Senate Commerce and Human Resources Committee

DEPARTMENT OF INSURANCE
Adoption of the 2003 International Fire Code

Docket No. 18-0150-0401
PENDING RULE

and purpose of the proposed rulemaking:

The proposed changes are minor modifications needed to adapt the International Fire Code to conform with Idaho Code, and for use by local jurisdictions. The changes will provide uniformity and consistency in the plan review process for state-owned buildings, update the basic fire and life safety code for the state, and remain current with the building code adopted by the Legislature.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reason: The rule complies with deadlines in amendments to the International Fire Code and affects fire and building departments across the state.

FEE SUMMARY: The rule does not impose a fee.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the need for temporary rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Mark Larson at (208) 334-4370.

Anyone may submit written comments regarding the proposed rulemaking. All written comments and data concerning the rule must be directed to the undersigned and must be received on or before September 22, 2004.

Dated this 20th day of July, 2004.

Mary L. Hartung, Director
Idaho Department of Insurance
700 West State Street - 3rd Floor
P.O. Box 83720
Boise, ID 83720-0043
Telephone No. (208) 334-4250
Facsimile No. (208) 334-4298

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 18.01.50, Rules of the Idaho Department of Insurance, Title 01, Chapter 50, "Adoption of the 2000~~3~~ International Fire Code".
(5-3-03)(9-1-04)T

02. Scope. Pursuant to the authority provided by Section 41-253, Idaho Code, the

Senate Commerce and Human Resources Committee

DEPARTMENT OF INSURANCE Adoption of the 2003 International Fire Code

Docket No. 18-0150-0401
PENDING RULE

Idaho Fire Marshal hereby adopts the 2000~~3~~ edition of the International Fire Code in order to provide uniformity in the plan review process for state owned and maintained buildings and to maintain consistency and conformity with the International Building Code. ~~(5-3-03)~~(9-1-04)T

(BREAK IN CONTINUITY OF SECTIONS)

004. INCORPORATION BY REFERENCE.

01. 2000~~3~~ International Fire Code. In accordance with Section 67-5229, Idaho Code, and pursuant to the authority provided by Section 41-253, Idaho Code, the Idaho Fire Marshal hereby adopts the 2000~~3~~ edition of the International Fire Code as published by the International Code Council ~~in cooperation with the Building Officials and Code Administrators International, Inc., the International Conference of Building Officials, and the Southern Building Code Congress International, Inc.,~~ with the following revisions, additions, deletions and appendixes. ~~(5-3-03)~~(9-1-04)T

02. Availability of Referenced Material. Copies of the 2000~~3~~ edition of the International Fire Code are available for public inspection at the office of the State Fire Marshal, the State Law Library, and the State Legislative Council. Copies of the 2000~~3~~ International Fire Code may be procured by writing the International ~~Conference of Building Officials~~ Code Council, Northwest Resource Center, 2122 112th Ave NE, Suite C, Bellevue, WA 98004. ~~(5-3-03)~~(9-1-04)T

(BREAK IN CONTINUITY OF SECTIONS)

021. -- ~~036~~25. (RESERVED).

026. SECTION 903.2.7 GROUP R AUTOMATIC SPRINKLER SYSTEM REQUIREMENTS.

Add to the paragraph, "Exception: automatic sprinkler systems are not required in 3- or 4-unit Group R buildings". (9-1-04)T

027. SECTION 906.1, PORTABLE FIRE EXTINGUISHERS, WHERE REQUIRED.

Item 1 Exception: delete the exception. (9-1-04)T

028. – 036. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

052. REFERENCED STANDARDS, CHAPTER 45, INTERNATIONAL FIRE CODE.

Senate Commerce and Human Resources Committee

DEPARTMENT OF INSURANCE Adoption of the 2003 International Fire Code

Docket No. 18-0150-0401
PENDING RULE

Beginning on Page ~~351~~65, of the NFPA Referenced Standards, make the following changes to the referenced editions:

| Delete | Add | Delete | Add | Delete | Add |
|---|--|--|--|---|--|
| 42-98 10-98 | 42-2000 10-2002 | 51A-96 51-97 | 51A-2001 51-2002 | 481-95 407-96 | 481-2000 407-2001 |
| 43-96 11-98 | 42-1999 11-2002 | 58-98 52-98 | 58-2001 52-2002 | 485-96 430-95 | 495-2001 430-2000 |
| 43D-96 12A-97 | 43D-1999 12A-2004 | 59A-96 57-99 | 59A-2001 57-2002 | 498-96 480-98 | 498-2001 484-2002 |
| 43R-96 13-99 | 43R-1999 13-2002 | 61-95 58-2001 | 61-1999 58-2004 | 505-96 481-2000 | 505-1999 484-2002 |
| 43-96 13D-99 | 44-2000 13D-2002 | 72-96 61-99 | 72-1999 61-2002 | 654-98 482-96 | 654-2000 484-2002 |
| 45-96 13R-99 | 45-2001 13R-2002 | 86-95 69-97 | 86-1999 69-2002 | 655-93 490-98 | 655-2001 490-2002 |
| 20-96 14-2000 | 20-1999 14-2003 | 96-98 72-99 | 96-2001 72-2002 | 701-96 495-96 | 701-1999 495-2001 |
| 25-98 15-96 | 25-2002 15-2001 | 99-99 85-2001 | 99-2002 85-2004 | 703-95 498-96 | 703-2000 498-2001 |
| 30-96 16-99 | 30-2000 16-2003 | 101-97 86-99 | 101-2000 86-2003 | 704-96 505-99 | 704-2001 505-2002 |
| 30A-96 17-98 | 30A-2000 17-2002 | 110-99 99-99 | 110-2002 99-2002 | 750-96 650-98 | 750-2000 654-2000 |
| 31-97 17A-98 | 30-2001 17A-2002 | 111-96 101-2000 | 111-2001 101-2003 | 780-97 651-98 | 780-2000 654-2000 |
| 32-96 20-99 | 32-2000 20-2003 | 211-96 110-99 | 211-2000 110-2002 | 909-97 655-93 | 909-2001 655-2001 |
| 33-95 22-98 | 33-2000 22-2003 | 241-96 211-2000 | 241-2000 211-2003 | 1123-95 664-98 | 1123-2000 664-2002 |
| 34-95 24-95 | 34-2000 24-2003 | 255-96 231-98 | 255-2000 230-2003 | 1125-95 704-96 | 1125-2001 704-2001 |
| 40-97 25-98 | 40-2001 25-2002 | 385-98 231C-98 | 385-2000 230-2003 | 1126-96 750-2000 | 1126-2001 750-2003 |
| 50-96 30-2000 | 50-2001 30-2003 | 407-96 231D-98 | 407-2001 230-2003 | 2001-96 1122-97 | 2001-2001 1125-2001 |
| 51-97 30A-2000 | 51-2002 30A-2003 | 430-95 260-98 | 430-2000 260-2003 | 1123-2000 | 1126-2001 |
| 30B-98 | 30B-2002 | 261-98 | 261-2003 | 1124-98 | 1124-2003 |
| 33-2000 | 33-2003 | 265-98 | 265-2002 | 1125-95 | 1125-2001 |
| 34-2000 | 34-2003 | 266-98 | 272-2003 | 1127-98 | 1127-2002 |

Senate Commerce and Human Resources Committee

DEPARTMENT OF INSURANCE
Adoption of the 2003 International Fire Code

Docket No. 18-0150-0401
PENDING RULE

| Delete | Add | Delete | Add | Delete | Add |
|--------------|----------------|---------------|-----------------|------------------|------------------|
| <u>40-97</u> | <u>40-2001</u> | <u>267-98</u> | <u>272-2003</u> | <u>2001-2000</u> | <u>2001-2004</u> |

~~(5-3-03)~~(9-1-04)T

(BREAK IN CONTINUITY OF SECTIONS)

056. REFERENCES TO APPENDIX, INTERNATIONAL FIRE CODE.

When this code references the appendix, the provisions of the appendix shall not apply unless specifically incorporated by reference. The following appendixes of the International Fire Code are incorporated by reference:

(5-3-03)

01. Appendix B, Fire Flow Requirements for Buildings. (5-3-03)

02. Appendix C, Fire Hydrant Location and Distribution. (5-3-03)

03. Appendix D, Fire Apparatus Access Roads. D107.1 One- or two-family dwelling residential developments. Exceptions: Item 1. In the first sentence delete the word “fewer” and add the word “more”. (9-1-04)T

034. Appendix E, Hazard Categories. (5-3-03)

045. Appendix F, Hazard Rankings. (5-3-03)

Senate Commerce and Human Resources Committee

IDAPA 18 - DEPARTMENT OF INSURANCE

18.01.56 - REBATES AND ILLEGAL INDUCEMENTS TO OBTAINING TITLE INSURANCE BUSINESS RULES

DOCKET NO. 18-0156-0401

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 41-211, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

Subsection 013.02 of the pending rule has been amended in accordance with Section 67-5227, Idaho Code, as a result of an oversight. Specifically the entire second sentence, as opposed to only part of it, is being deleted because it is unnecessary as a result of the addition, in the original proposed rule, of the new sentence at the end of the subsection. Only those sections that have changes that differ from the proposed text are printed in this bulletin.

The original text of the proposed rule was published in the Idaho Administrative Bulletin, Volume No. 04-10, October 6, 2004, pages 405 through 409.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Dale Freeman at (208) 334-4250.

DATED this 1st day of November, 2004.

The Following Notice Was Published With The Proposed Rule

AUTHORITY: In compliance with Sections 67-5221(1), Idaho Code, notice is hereby given this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 41-211 and 41-1843, Idaho Code.

Senate Commerce and Human Resources Committee

DEPARTMENT OF INSURANCE**Docket No. 18-0156-0401****Rebates/Illegal Inducements/Obtaining Title Insurance Business PENDING RULE**

PUBLIC HEARING SCHEDULE: Public hearings concerning this rulemaking will be scheduled if requested in writing by at least twenty-five (25) persons, a political subdivision or an agency, not later than October 20, 2004.

The hearing site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency at the address below.

DESCRIPTIVE SUMMARY: The following is a non-technical explanation of the substance and purpose of the proposed rulemaking:

Section 013 places additional limitations on title entities for donations and sponsorship of trade association events. Section 014 updates self-promotional advertising standards. Section 015 updates permitted business entertainment standards for title entities.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

The rule does not impose or increase a fee.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted. The changes were requested by interested parties in the Land Title Association because much of the language in the old rule was outdated.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the proposed rule, contact Dale Freeman at (208) 334-4250.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2004.

DATED this 25th day of August, 2004.

Mary L. Hartung
Director
Idaho Department of Insurance
700 West State Street - 3rd Floor
P.O. Box 83720
Boise, ID 83720-0043
Telephone No. (208) 334-4250

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

013. PERMITTED ADVERTISING WITH TRADE ASSOCIATIONS.

01. Advertisements. No advertisement may be placed in a publication that is published or distributed by, or on behalf of, a producer of title business. Advertising in a trade

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Rebates/Illegal Inducements/Obtaining Title Insurance Business **PENDING RULE**

association publication is only permitted if the publication is an official publication of the trade association with at least regular quarterly publications. The publications must be nonexclusive (any title entity must have an equal opportunity to advertise in the publication and at a standard rate). The title entity's ad must be purely self-promotional. (4-26-95)

02. Donations. A title entity is permitted to donate time to serve on a trade association committee and may also serve as an officer or director for the trade association. ~~A title entity may also donate, contribute or otherwise sponsor a trade association event if the event is a recognized association event that generally benefits all members and affiliated members in an equal manner. The donation cannot benefit selected producer of title business members of the association unless through random process. Solicitation for the donation must be made of all members and affiliated members in an equal manner. Donations are per agent license or insurer and are limited to a cumulative donation value of two thousand dollars (\$2,000) or equivalent things of value collectively to all trade associations per year.~~ A title entity is allowed to participate in and/or attend trade association events as long as the title entity pays a fee commensurate with fees paid by other participants in the events. These events include, but are not limited to, conventions, awards banquets, symposiums, breakfasts, lunches, dinners, open houses, sporting activities, and all other similar activities. (4-26-95)()

014. PERMITTED SELF-PROMOTIONAL ADVERTISING.

01. Self-Promotional Items. A title entity may distribute self-promotional items having an acquisition value of less than ~~five ten~~ dollars (\$~~510~~) to producers of title business, consumers, and members of the general public. These self-promotional items are limited to novelty gifts, advertising novelties, and generic business forms and specifically do not include food or beverages. ~~A generic business form is a title insurance or escrow related form of common usage. This form shall not contain the name of a producer of title business. A title entity shall only distribute novelty gifts, advertising novelties, or generic business forms in the regular course of business. Distribution may be by hand or by regular messenger service and may be mailed if the recipient is out of the title entity's county.~~ A recipient of a novelty gift or advertising novelty shall not receive gifts or advertising novelties in excess of ~~five ten~~ dollars (\$~~510~~) of cumulative value per month and no more than fifty dollars (\$50) of cumulative value ~~of gifts or advertising novelties~~ per year. ~~A recipient of generic business forms shall not receive more than fifty (50) business forms per month and no more than twenty-five dollars (\$25) of cumulative value of forms per year.~~ A title entity shall also not ~~give novelty gifts, advertising novelties or generic business forms to producers of title business, consumers, members of the general public, or trade associations for redistribution by these entities~~ sell or give self-promotional items to any person or entity for redistribution by that person or entity. (4-26-95)()

02. Self-Promotional Functions. Self-promotional functions ~~are only permitted on the premises of the title entity, and~~ are limited to the following ~~three two~~ (32) types of functions: (4-26-95)()

a. Educational programs - a title entity is permitted to conduct educational programs. ~~The instructor for the educational program must be a full-time employee of the title entity.~~ A title entity is permitted to expend no more than ~~two ten~~ dollars (\$210) per person at an educational program. (4-26-95)()

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~~b.~~ Self-promotional programs — a title entity is permitted to conduct self-promotional programs only for title insurance or escrow related matters. A title entity must not expend more than two dollars (\$2) per person at a self-promotional program. (4-26-95)

~~eb.~~ Open houses - a title entity is permitted to have two (2) open houses per year. An open house shall be a self-promotional function at the title entity's owned or occupied facility (~~e.g. a Christmas party or any party, an open house for remodeling of its facility, an open house for a new building to become the title entity's facility~~). It shall be nonexclusive (an open invitation to all producers of title business is required). A title entity must not expend more than ~~seven dollars and fifty cents (\$7.50)~~ fifteen dollars (\$15) per guest per open house. A title entity cannot combine permitted expenditures for two (2) open houses to be used for one (1) open house. A title entity also cannot accumulate left over or unused expenditures from one (1) open house and use those expenditures for a second open house. (4-26-95)()

015. PERMITTED BUSINESS ENTERTAINMENT.

~~A title entity may entertain a producer of title business in a single day with a choice of meals and/or events not to exceed fifty dollars (\$50) expense per individual per day according to the following guidelines:~~ A title entity shall not expend more than one hundred dollars (\$100) per person per day for all meals and/or events. Meals and events shall include, but not be limited to, breakfast, brunch, lunch, dinner, cocktails, sporting events, sporting activities, trips and music and art events. These meals or events may occur on or off the title entity's premises. In addition, a title entity may entertain no more than four (4) persons from any single entity which employs producers of title business in a single day. Spouses and/or guests of the producers of title business shall be included in the count for purposes of determining the four (4) person maximum. In addition, a person may not be entertained by a title entity more than three (3) days during any ten (10) day period of time. For purposes of determining the maximum permitted expenditure, all costs associated with any meals or event shall be considered. This shall include, but not be limited to, costs paid by the title entity for travel, transportation, hotel, equipment or facility rental, meals, cocktails, refreshments, registration or entry fees, and event tickets. (4-26-95)()

~~01. Meals.~~ A title entity may entertain no more than four (4) persons from an office of one (1) producer of title business in a single day. This entertainment function may take place on or off the title entity's premises, but is restricted to one (1) meal per day for each of the four (4) persons from one (1) office. Business meals shall include all meals and/or drinks, including but not limited to breakfast, brunch, lunch, dinner, cocktails. A title entity shall not expend more than fifty dollars (\$50) per person for a meal. Also, no more than ten dollars (\$10) total transportation cost from the client's place of business shall be expended. It must be emphasized that no more than four (4) persons from an office of one (1) producer of title business can be entertained by a title entity in any one (1) day and only for a choice of one (1) business meal. (4-26-95)

~~02. Events.~~ A title entity may entertain no more than four (4) persons from an office of any producer of title business in a single day. This entertainment function may take place on or off the title entity's premises, but is restricted to one (1) event per day for each of the four (4) persons from one (1) office. An event shall include, but not be limited to, sporting events, sporting activities, and music and art events. The dollar limitation on event expenditures is limited to the admission price or fee to participate in the event, but shall not exceed fifty dollars (\$50) per person. Also, no more than ten dollars (\$10) total transportation costs from the client's place of business shall be expended. It must be emphasized that no more than four (4) persons from an

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~~office of one (1) producer of title business can be entertained by a title entity in any one (1) day and only for a choice of one event.~~ (4-26-95)

(BREAK IN CONTINUITY OF SECTIONS)

EXHIBIT 1

A title entity shall not provide things of value except as provided in Sections 012, 013, 014, and 015 of this rule. The following is a partial, but not all inclusive, list of acts and practices which are considered illegal inducements prohibited by the Idaho Insurance Code:

1. A title entity shall not sponsor any activity off its premises unless the producer of title business bears the entire cost of the activity. A title entity shall not cosponsor, subsidize, contribute fees, prizes, gifts, or otherwise provide things of value for a promotional function off the title entity's premises regardless whether the function is self-promotional or not. Off premises functions/activities include, but are not limited to, meetings, luncheons, dinners, conventions, installation ceremonies, celebrations, outings, or related activities of producers of title business, cocktail parties, hospitality room functions, open house celebrations, dances, fishing trips, motor vehicle rallies, sporting events of all kinds, gambling trips, hunting trips or outings, golf tournaments, artistic performances, and outings in recreation areas or entertainment areas. It shall be the burden of the title entity to be prepared to present documentation to the Department of Insurance that no things of value were provided.

2. A title entity shall not sponsor, subsidize, supply prizes or labor, or otherwise provide things of value for promotional activities of producers of title business. This does not prevent a title entity from attending activities of producers of title business if there is no cost to the title entity other than the title entity's own entry fees, registration fees, meals, etc., and provided that these fees are no greater than those charged to producers of title business.

3. A title entity shall not provide or offer to provide, either directly or indirectly, a compensating balance or deposit in a lending institution either for the express or implied purpose of influencing the extension of credit by such lending institution to any such person, or for the express or implied purpose of influencing the placement or channeling of title insurance business by such lending institution.

4. A title entity shall not pay or offer to pay, either directly or indirectly, with respect to any producer of title business or trade association for:

a. The services of an outside professional whose services are required by any producer of title business to complete or structure a particular transaction;

b. The salary of an employee of such producer of title business;

c. The salary or any part of the salary of a relative of any producer of title business

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employed by a title entity, if the payment is in excess of the reasonable value of the work actually performed;

d. A fee for making an inspection or appraisal of property, whether or not the fee bears a reasonable relationship to the services performed;

e. Services required to be performed by any producer of title business in his or her professional capacity (e. g. the drafting of documents that are required to be filed by such producer of title business with the title entity for the initiation of closing and settlement services);

f. Any evidence of title or a copy of the contents thereof which is not produced or issued by the title entity, if the evidence or the title relates to a current transaction;

g. The rent for all or any part of the space occupied by any producer of title business;

h. Money, prizes, or other things of value in any kind of a contest or promotional endeavor;

i. Any advertising effort made in the name of, for, or on behalf of any producer of title business;

j. Any business form of any such producer of title business other than a form regularly used in the conduct of the title entity's business, which form is furnished solely for the convenience of the title entity and does not constitute a benefit to the producer of title business; or

k. Any salary, commission, or any other consideration to any employee who is at the same time actively engaged as a real estate licensee in the real property or mortgage brokerage business or is actively engaged in any other business of a producer of title business; or

l. The cancellation fee, the fee for the preliminary title report or other fee on behalf of any producer of title business before or after inducing such producer of title business to cancel an order with another title entity.

5. A title entity shall not furnish, or offer to furnish, all or any part of the time or productive effort of any employee of the title entity (example: office manager, escrow officer, secretary, clerk, messenger, etc.) to any producer of title business. This provision is not intended to effect the title entity's day to day business with producers of title business. It is directed at title entity employees being utilized by, or "loaned" out to a producer of title business for the self-promotional interests of the producer of title business.

6. A title entity shall not furnish, or offer to furnish, pay for, or offer to pay for, furniture, office supplies including file folders, telephones, equipment, or automobiles to any producer of title business, or pay for, or offer to pay for, any portion of the cost of renting, leasing, operating, or maintaining any of the aforementioned items.

7. A title entity shall not provide, or offer to provide, non title services (example: computerized bookkeeping, forms management, computer programming, trust accounting) or any similar benefit to a producer of title business, without charging for and receiving a fee

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DEPARTMENT OF INSURANCE**Docket No. 18-0156-0401****Rebates/Illegal Inducements/Obtaining Title Insurance Business PENDING RULE**

commensurate for services provided (e. g. a fee for trust accounting shall be a like fee charged by state or federally chartered banks or savings and loan associations in the local area). This provision also does not prevent title entities from contracting with trade associations to provide non-title services for a profit (i.e. MLS services).

8. A title entity shall not provide gifts or other things of value in excess of fifty dollars (\$50) per year per individual connection with congratulations or condolences to a producer of title business. A letter or card in these instances will not be interpreted as providing a thing of value.

9. A title entity shall not waive a cancellation fee, fail to charge for a cancellation fee, or otherwise fail to make efforts to collect a cancellation fee from the recipient of services provided by the title entity.

10. A title entity shall not furnish any part of its facility (e. g. conference rooms, meeting rooms, etc.) to a producer of title business or trade association without receiving a fair rental charge commensurate with the average rental for similar facilities in the area.

11. A title entity shall not furnish reports containing publicly recorded information, appraisals, estimates, or income production potential, information kits or similar packages containing information about one or more parcels of real property (other than as permitted in Section 012) helpful to any producer of title business, consumer, or member of the general public without making a charge that is commensurate with the actual cost of the work performed and the material furnished (e. g. "farm packages", lot book reports, tax information, title commitments).

12. Delivery service between a title entity and a producer of title business shall be conducted by the title entity's regular messenger service and shall only involve the delivery of items from a title entity to a producer of title business or from a producer of title business to a title entity.

Senate Commerce and Human Resources Committee

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.01.01 - RULES OF THE BOARD OF ARCHITECTURAL EXAMINERS

DOCKET NO. 24-0101-0401

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 54-312, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 6, 2004 Idaho Administrative Bulletin, Vol. 04-10, pages 410 through 412.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Cherie Simpson at (208) 334-3233.

DATED this 8th day of November, 2004.

The Following Notice Was Published With The Proposed Rule

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section(s) 54-312 (2) (b), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 20, 2004.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and

Senate Commerce and Human Resources Committee

BUREAU OF OCCUPATIONAL LICENSES
Rules of the Board of Architectural Examiners**Docket No. 24-0101-0401**
PENDING RULE

purpose of the proposed rulemaking:

Correct website address, clarify that the Intern Development Program is in addition to the 8 years of experience and not included in the required 8 years, and to provide an effective date for continuing education.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: There are no fees or charges imposed or increased as a result of these rules.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because there were no controversial changes made.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Cherie Simpson at (208) 334-3233.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2004.

DATED this 23rd day of August, 2004.

Rayola Jacobsen, Bureau Chief
Bureau of Occupational Licenses
1109 Main St. Ste. 220
Boise, ID 83702
(208) 334-3233 Ph. (208) 334-3945, fax

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

005. ADDRESS OF THE IDAHO BOARD OF ARCHITECTURAL EXAMINERS (RULE 5).

The office of the Board of Architectural Examiners is located within the Bureau of Occupational Licenses, Owyhee Plaza, 1109 Main Street, Suite 220, Boise, Idaho 83702. The phone number of the Board is (208) 334-3233. The Board's FAX number is (208) 334-3945. The Board's e-mail address is ibol@ibol.state.id.us. The Board's official web site is at ~~www2.state.id.us/ibol/arc~~
<https://www.ibol.idaho.gov/arc.htm>. (3-15-02)()

(BREAK IN CONTINUITY OF SECTIONS)

250. QUALIFICATIONS OF APPLICANTS (RULE 250).

01. ARE Applicants. All applicants for the Architectural Registration Examination

Senate Commerce and Human Resources Committee

BUREAU OF OCCUPATIONAL LICENSES **Rules of the Board of Architectural Examiners**

Docket No. 24-0101-0401
PENDING RULE

(ARE) shall possess the minimum qualifications required by the 2001-2002 NCARB Handbook for Interns and Architects, dated July 2001, where such Handbook for Interns and Architects does not conflict with Idaho law. All applicants for the ARE must have completed the Intern Development Program (IDP) requirements. (3-15-02)

02. Experience in Lieu of Degree Applicants. The Board may allow an applicant without an architecture degree to sit for the architecture examination upon determining that such applicant has attained the knowledge and skill approximating that attained by graduation from an accredited architecture curriculum including the submission of a record of eight (8) years or more of experience in architecture work of a character deemed satisfactory by the Board. Said experience shall be in addition to that necessary for completion of the Intern Development Program (IDP) requirements. Two (2) years of eight (8) or more years of experience may be accepted if determined that such experience is directly related to architecture under the direct supervision of a registered engineer (practicing as a structural, civil, mechanical or electrical engineer in the field of building construction) or a registered landscape architect. At least six (6) years of such experience must be obtained while working under the direct supervision of a licensed architect. (~~3-15-02~~)()

(BREAK IN CONTINUITY OF SECTIONS)

450. CONTINUING EDUCATION (RULE 450).

In order to protect the public health and safety and promote the public welfare, the Board has adopted the following rules for continuing education. (3-20-04)

01. Continuing Education Requirement. Each Idaho licensed architect must successfully complete a minimum of eight (8) hours of continuing education in architectural health, safety and welfare annually for license renewal. (3-20-04)

a. Beginning January 1, 2005, ~~Each~~ licensee shall submit to the Board a license renewal application form, together with the required fees, certifying by signed affidavit that compliance with the annual CE requirements have been met during the previous twelve (12) months. The Board may conduct such continuing education audits and require verification of attendance as deemed necessary to ensure compliance with the CE requirements. (~~3-20-04~~)()

b. A licensee shall be considered to have satisfied their CE requirements for the first renewal of their initial license. Licensees who have failed to meet the annual continuing education requirement may petition the Board for additional time to complete their continuing education requirements. (3-20-04)

c. After January 1, 2005 and ~~P~~prior to reinstatement of a license lapsed, canceled or otherwise non-renewed for less than five (5) years, the applicant shall provide proof of attendance consisting of eight (8) hours of continuing education for each year the license was lapsed. A license lapsed, canceled or otherwise not renewed for more than five (5) years may be reinstated in accordance with Section 67-2614, Idaho Code. (~~3-20-04~~)()

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d. A licensee may carryover a maximum of eight (8) hours of continuing education to meet the next year's continuing education requirement. (3-20-04)

e. One (1) continuing education hour shall be equal to one (1) learning unit, as determined by the American Institute of Architects, or one (1) clock hour of education, as determined by the Board. (3-20-04)

02. Architectural Health, Safety and Welfare Requirement. To qualify for continuing education, a course must involve architectural health, safety and welfare, which generally relates to the structural integrity or unimpairedness of a building or building sites and includes the following subject areas: (3-20-04)

a. Architectural planning and pre-design, accessibility, acoustics, building design, code of ethics, codes, acts, laws and rules governing the practice of architecture, construction administration, construction laws, construction functions, materials, methods and systems, environmental issues, energy efficiency, asbestos, lead based paint, toxic emissions, environmental analysis and environmental issues of building materials and systems, fire, building fire codes, flames spread, smoke contribution, explosives, fire safety systems, fire detection alarm standards, insurance issues, interior design, material use, functions and features, materials systems, roofing, waterproofing, wall systems, mechanical, plumbing and electrical system concepts, materials and methods, security of buildings, natural hazards related to building design, earthquakes, high wind and floods, preservation, renovation, restoration and adaptive reuse and sustainable design, site and soil analysis, site design, specification writing, structural issues, survey methods and techniques, and such other subjects as determined by the Board. (3-20-04)

03. Approved Credit. Continuing education courses must be in the subject of architectural health, safety and welfare and be presented by: (3-20-04)

a. Providers approved by the National Architectural Accreditation Board (NAAB) schools of architecture; or (3-20-04)

b. Providers approved by the National Council of Architect Registration Board (NCARB); or (3-20-04)

c. Providers approved by the American Institute of Architects (AIA); or (3-20-04)

d. Providers as otherwise approved by the Board. All requests for approval or pre-approval of continuing education credits must be made to the Board in writing and must be accompanied by a statement that includes the name of the instructor or instructors, his or her qualifications, the date, time and location of the course, the specific agenda for the course, the number of continuing education hours requested, and a statement of how the course is believed to be in the nature of architectural health, safety and welfare. (3-20-04)

04. Verification of Attendance. It shall be necessary for each licensee to maintain verification of attendance by securing authorized signatures or other documentation from the course instructors or sponsoring institution substantiating any and all hours attended by the licensee. This verification shall be maintained by the licensee for a period of three (3) years and

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provided to the Board upon request of the Board or its agent. (3-20-04)

05. Failure to Fulfill the Continuing Education Requirements. The license will not be renewed for those licensees who fail to certify or otherwise provide acceptable documentation of meeting the CE requirements. Licensees who make a false attestation regarding compliance with the CE requirements shall be subject to disciplinary action by the Board. (3-20-04)

06. Exemptions. A licensed architect shall be deemed to have complied with the CE requirements if the licensee attests in the required affidavit that for not less than ten (10) months of the preceding one (1) year period of licensure, the architect has met one (1) of the following criteria: (3-20-04)

a. Has served honorably on active duty in the military service (exceeding ninety (90) consecutive days). (3-20-04)

b. Is a resident of another jurisdiction recognized by the Board having a continuing professional education requirement for registration as an architect and has complied with all requirements of that state or district for practice therein. (3-20-04)

c. Is a government employee working as an architect and assigned to duty outside the United States. (3-20-04)

d. Special Exemption. The Board shall have authority to make exceptions for reasons of individual hardship, including health (certified by a medical doctor) or other good cause. The architect must provide any information requested by the Board to assist in substantiating hardship cases. This exemption is granted at the sole discretion of the Board. (3-20-04)

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IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.18.01 - RULES OF THE IDAHO BOARD OF REAL ESTATE APPRAISERS

DOCKET NO. 24-1801-0401

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 54-4106, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 6, 2004 Idaho Administrative Bulletin, Vol. 04-10, pages 454 through 457.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Cherie Simpson at (208) 334-3233.

DATED this 8th day of November, 2004.

The Following Notice Was Published With The Proposed Rule

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section(s) 54-4106, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 20, 2004.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and

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purpose of the proposed rulemaking:

Update version incorporated by reference, to correct the boards address, and make changes required by the Appraiser Sub Committee (federal oversight body) dealing with definitions and continuing education. USPAP course is being defined as National USPAP course and Federal Oversight prohibits carryover of continuing education hours.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: There are no fees or charges imposed or increased as a result of these rules.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because there were not controversial changes.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Cherie Simpson at (208) 334-3233.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2004.

DATED this 23rd day of August, 2004.

Rayola Jacobsen
Bureau Chief
Bureau of Occupational Licenses
1109 Main St. Ste. 220
Boise, ID 83702
(208) 334-3233 Phone
(208) 334-3945, fax

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

004. INCORPORATION BY REFERENCE (RULE 4).

The document titled "Uniform Standards of Professional Appraisal Practice (USPAP)", 2003~~5~~⁵ Edition published by the Appraisal Foundation and effective January 1, 200~~35~~⁵ as referenced in Subsection 700, is herein incorporated by reference and is available for review at the Board's office and may be purchased from the Appraisal Foundation. ~~(3-20-04)~~()

005. ADDRESS OF THE IDAHO REAL ESTATE APPRAISER BOARD (RULE 5).

The office of the Real Estate Appraiser Board is located within the Bureau of Occupational Licenses, Owyhee Plaza, 1109 Main Street, Suite 220Boise, Idaho 83702-5642. The phone number of the Board is (208) 334-3233. The Board's FAX number is (208) 334-3945. The Board's e-mail address is ibol@ibol.state.id.us. The Board's official web site address is ~~##~~
~~www2.state.id.us/ibol/rea~~ <https://www.ibol.idaho.gov>. ~~(3-13-02)~~()

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(BREAK IN CONTINUITY OF SECTIONS)

010. DEFINITIONS (RULE 10).

The definitions numbered one through twelve (1-12), appearing at Section 54-4104, Idaho Code are incorporated herein by reference as if set forth in full. (7-1-93)

01. Advisory Committee. A committee of state certified or licensed real estate appraisers appointed by the board to provide technical assistance relating to real estate appraisal standards and real estate appraiser experience, education and examination requirements that are appropriate for each classification of state certified or licensed real estate appraiser. (7-1-93)

02. Appraisal Foundation. The Appraisal Foundation means the Appraisal Foundation established on November 30, 1987, as a not-for-profit corporation under the laws of Illinois. (7-1-97)

03. Appraiser Qualifications Board. Appraiser Qualifications Board of the Appraisal Foundation establishes the qualifications criteria for licensing, certification and recertification of appraisers. (7-1-97)

04. Appraisal Standards Board. The Appraisal Standards Board of the Appraisal Foundation develops, publishes, interprets and amends the Uniform Standards of Professional Appraisal Practice (USPAP) on behalf of appraisers and users of appraisal services. (7-1-97)

05. Bureau. The Bureau means the Bureau of Occupational Licenses, as prescribed in Sections 54-4106(2)(a) and 67-2601, Idaho Code. (3-13-02)

06. Chief. The Bureau Chief of the Bureau of Occupational Licenses as established by Section 67-2602, Idaho Code. (7-1-93)

07. Classroom Hour. Fifty (50) minutes out of each sixty (60) minute hour. (7-1-93)

08. Field Real Estate Appraisal Experience. Personal inspections of real property, assembly and analysis of relevant facts, and, by the use of reason and the exercise of judgement, formation of objective opinions as to the market or other value of such properties or interests therein and preparation of written appraisal reports or other memoranda showing data, reasoning, and conclusion. Professional responsibility for the valuation function is essential. ~~(7-1-93)~~()

09. FIRREA. Title XI, Financial Institutions Reform, Recovery and Enforcement Act of 1989 was designed to ensure that more reliable appraisals are rendered in connection with federally related transactions. (7-1-93)

10. Nationally Recognized Appraisal Organization. An appraisal organization which is a member of The Appraisal Foundation. (7-1-93)

11. Real Estate. In addition to the previous definition in Section 54-4104(7), Idaho

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Code will also mean an identified parcel or tract of land, including improvements, if any. (7-1-93)

12. Real Property. In addition to the previous definition in Section 54-4104(8), Idaho Code will also mean one or more defined interests, benefits, or rights inherent in the ownership of real estate. (7-1-93)

13. Residential Unit. Real estate with a current highest and best use of a residential nature. (7-1-93)

14. Specialized Appraisal Services. Services which include situations in which an appraiser is employed or retained to provide appraisal services that do not fall within the defined term "appraisal assignments". Specialized appraisal services relate to the employer's or client's individual needs or investment objectives and commonly include specialized marketing and financing studies as well as analysis, opinions, and conclusions rendered in connection with activities such as real estate brokerage, mortgage banking, and real estate counseling, including real estate tax counseling. (7-1-97)

15. Uniform Standards of Professional Appraisal Practice Or USPAP. Those uniform standards adopted by the Appraisal Foundation's Appraisal Standards Board. These standards may be altered, amended, interpreted, supplemented, or repealed by the Appraisal Standards Board (ASB) from time to time. (3-13-02)

16. USPAP Course. For the purposes of licensure and license renewal, any reference to the approved USPAP course shall mean the National USPAP Course provided by Appraisal Qualifications Board Certified USPAP Instructors and Educational Providers. (____)

(BREAK IN CONTINUITY OF SECTIONS)

401. CONTINUING EDUCATION (RULE 401).

All certified/licensed appraisers must comply with the following continuing education requirements: (7-1-97)

01. Purpose Of Continuing Education. The purpose of continuing education is to ensure that the appraiser participates in a program that maintains and increases his skill, knowledge and competency in real estate appraising. (7-1-97)

02. Hours Required. The equivalent of fifteen (15) classroom hours of instruction in courses or seminars during each year prior to renewal is required. (3-20-04)

a. A classroom hour is defined as fifty (50) minutes out of each sixty (60) minute segment. (7-1-93)

b. Credit toward the classroom hour requirement may be granted only where the length of the educational offering is at least two (2) hours. (7-1-97)

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c. Credit for the classroom hour requirement may be obtained by accredited courses which have been approved by the ~~appraisal members of The~~ Appraisal ~~Foundation~~ Qualification Board and by courses approved by Real Estate Appraiser Boards of states with reciprocity with Idaho. All other courses must have approval of the Board, which shall require documentation including the instructors and their qualifications, course content, length of course, and its location. Courses shall be approved for a period of four (4) years. (3-13-02)()

~~d. Continuing education hours accumulated during the twelve (12) months immediately preceding the license expiration date that are in excess of the required hours per year may be applied toward meeting the continuing education requirement for the next successive license renewals. No more than thirty (30) continuing education hours in excess of the required fifteen (15) hours shall be carried forward. Excess hours must be used toward meeting the continuing education requirements for the next immediately successive renewal periods only.~~ (3-20-04)

ed. Once every two (2) years an Idaho State Certified/Licensed Real Estate Appraiser will be required to attend an approved seven (7) hour USPAP update course or the equivalent. An approved fifteen (15) hour USPAP course shall be considered as an equivalent course, however, no excess ~~USPAP~~ hours may be carried forward to meet the two (2) year ~~USPAP~~ update requirement. (3-20-04)()

03. Credit For Appraisal Educational Processes And Programs. Continuing education credit may also be granted for participation, other than as a student, in appraisal educational processes and programs. Examples of activities for which credit may be granted are teaching, program development, authorship of textbooks, or similar activities which are determined to be equivalent to obtaining continuing education. (7-1-97)

04. Requirement When A Certificate/License Is Cancelled. For each year (less than five (5)) in which a license is lapsed, canceled, or otherwise non-renewed, fifteen (15) hours of continuing education must be obtained prior to reinstatement. In addition, for each two (2) years (less than five (5)) in which a license is lapsed, canceled, or otherwise non-renewed, a seven (7) hour USPAP update course must be obtained prior to reinstatement. (3-20-04)